

# CALENDARS

## Day Planner

## Legislative Committee Schedules

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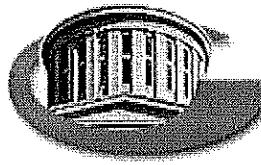
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### 3 attachments

 [170126dayplan.htm](#)  
4K

 [Jan27Schedule.htm](#)  
6K

 [Jan26.htm](#)  
49K



**GONGWER** Ohio  
The Record of Capitol Square Since 1906

## Daily Activity Planner for Friday, January 27

### Legislative Committees

No legislative committees scheduled.

### Agency Calendar

**BWC Board of Directors**, Rm. 3, Level 2, 30 W. Spring St., Columbus, 8 a.m.

**Educator Standards Board**, 8405 Pulsar Pl., Columbus, 8:30 a.m. (Ohio Teacher Evaluation System Discussion)

**State Teachers Retirement System**, 275 E. Broad St., Columbus, 9 a.m.

**Medical Marijuana Advisory Committee**, Rm. South B&C, 31st Fl., 77 S. Broad St., Columbus, 10 a.m.

### Event Planner

**Press Briefing on Senate Democrats' Legislative Priorities**, Minority Conference Rm., Senate Building, Columbus, 10 a.m.

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# GONGWER Ohio

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Legislative Committee Schedules beginning 1/27/2017

## Tuesday, January 31

**Joint Committee on Agency Rule Review** ([Committee Record](#)) (Chr. Duffey, M., 644-6030), Rm. 121, 1:30 p.m.

**Senate Rules & Reference** (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 2 p.m.

## Wednesday, February 1

**House Finance** (Chr. Smith, R., 466-1366), Rm. 313, 1 p.m.

- The panel will hold its first hearing, pending referral, of the Main state operating budget for FY 2017 and 2018. Members will also hear a presentation from the Legislative Service Commission

## Thursday, February 2

**House Finance** (Chr. Smith, R., 466-1366), Rm. 313, 8:30 a.m.

- The panel will hold a hearing, pending referral, on the FY 2018-2019 state operating budget. Testimony will be provided by Director Wray, Ohio Department of Transportation, Director Born, Ohio Department of Public Safety and Director Cole, Ohio Turnpike Commission

## Wednesday, February 8

**House Session** ([Committee Record](#)) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

**Senate Session** ([Committee Record](#)) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m.

**NOTE:** Click bill or resolution number links to see the legislative history compiled by Gongwer News Service. Click the  after a bill number to create a saved search and email alert for that bill. Click "Full Text" if present to view the text of legislation on the Legislature's Web site.

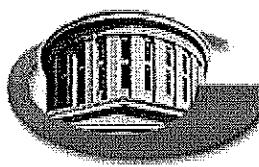
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# GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #86, Report #17 -- Thursday, January 26, 2017

Kasich Unveils Portions of Transportation Budget; Research Center To Get Funding; Initial Hearings Set

Gov. John Kasich on Thursday announced the infusion of \$45 million into the Transportation Research Center in East Liberty as part of a continued effort to put Ohio at the forefront of autonomous vehicle technology.

The funding, which includes \$12.5 million in state money, a \$7.5 million grant from JobsOhio and \$25 million from Ohio State University, will be part of the proposed transportation budget.

That budget is to be unveiled next week along with the overall state operation spending plan. The House set initial hearings on the main operating and transportation budgets for next Wednesday and Thursday. (See Committee Schedule) A media briefing on the packages is expected earlier in the week.

The administration said the transportation plan will also include the expansion of Smart Corridors to Interstate 270 in Columbus and Interstate 90 in Cleveland and development of the nation's first "Sense and Avoid" test site for drones.

"Ohio had that reputation of the Rust Belt because it was always talking about last year's football game. Now we're talking about the dreams of tomorrow," Gov. Kasich said during the announcement at OSU's Center for Automotive Research.

The 4,500-acre TRC facility is the continent's most advanced testing facility and will allow for the testing of autonomous vehicles and safety evaluations in a full range of driving conditions, the governor's office said.

The multimillion dollar infusion will allow for TRC to embark on its biggest expansion in its 40-year history, President and CEO Mark-Tami Hotta said.

Phase one of the TRC "Smart Center" will include the industry's largest high-speed intersection for mobility testing, an urban network with intersections, roundabouts, cul-de-sacs, traffic lights, a rural road network and neighborhood streets.

"TRC's Smart Center will be the most comprehensive facility of its kind in the world. It will be the only independent test facility of its kind that is a part of an existing, comprehensive one-stop shop vehicle test facility where all testing can be done efficiently in one location, right here in Ohio," Mr. Hotta said.

The expansion will further the state's Smart Corridors and the work the city of Columbus is doing with its \$40 million federal Smart City grant (See Gongwer Ohio Report, June 21, 2016), said Mr. Hotta, who called the increasing demand for autonomous vehicles the "most revolutionary change in the auto industry in our lifetimes."

"Today's commitment positions our state, The Ohio State University and TRC as leaders in this transformation. This will mean more jobs, more career development opportunities and economic growth for us all," he said.

Fundraising efforts are already underway for phases two and three of the expansion, which will add an indoor testing facility for the most adverse weather conditions and a highway network.

U.S. Sen. Rob Portman (R-Terrace Park) in a statement said the investment "solidifies Ohio as a global leader in autonomous vehicle research and development."

"Central Ohio is quickly becoming a model for the rest of the country on how to use smart transportation to help create economic growth and expand opportunity. Visitors spend roughly \$5.7 billion every year in Columbus, creating an economic impact of \$8.7 billion and supporting the jobs of more than 70,000 Ohioans," he said.

"This investment will help attract more visitors to Ohio and make commuting easier for local residents, all while providing a new source of jobs and economic development for the region. I look forward to working with the Transportation Research Center and the OSU Center for Automotive Research in the future to make sure it achieves its goals."

Gov. Kasich also said the proposed transportation budget will include funding to support the state's Unmanned Aircraft System Center and Test Complex in Springfield. He predicted that Ohio will become a leader in the flying of unmanned aircraft beyond the line of sight of their operators.

That technology, the governor said, will allow for bridges to be more easily inspected, farmers to study the distribution of chemicals on their lands, or for the tracking of an escaped prisoner.

"People say we're the Rust Belt. That's offensive to me. I think we're the Knowledge Belt, and when you take a look at what we're doing in this state, it's amazing," Gov. Kasich said.

Another portion of the transportation budget would allow Department of Transportation Director Jerry Wray to vary speed limits on roadways during certain times.

The first pilot program, Mr. Wray said, will be on Interstate 670 near downtown Columbus in an effort to ease rush hour traffic. He said a lower speed limit, while also opening up the left shoulder lane to traffic, could ease congestion during peak traffic times.

"All of this is a way for Ohio to prepare and align itself for the challenges and the opportunities of the 21st Century," he said.

### Court Ruling Again Puts Upcoming Executions On Hold

Ohio's first scheduled executions since January 2014 have again been put on hold.

A federal judge on Thursday found the state's new three-drug protocol for executing death row inmates is unconstitutional.

U.S. District Court Magistrate Judge Michael R. Merz's 119-page ruling granted a preliminary injunction that will delay the scheduled executions of Ronald Phillips, Raymond Tibbetts and Gary Otte.

Magistrate Judge Merz found that the state's use of midazolam, a sedative, as the first drug administered during the process risks subjecting an inmate to severe pain and therefore violates the Eighth Amendment to the U.S. Constitution's prohibition against cruel and unusual punishment.

"Midazolam does not have the same pharmacologic effect on persons being executed as the barbiturates thiopental sodium and pentobarbital. The Plaintiffs' experts explained at great length why this was likely to be so," he wrote. "The Court finds from both the expert opinions and the lay descriptions comparing executions with a barbiturate as the first drug and midazolam as the first drug that the drugs do not produce the same effects in those being executed."

"Without knowing precisely why, the Court finds that those administered midazolam (whether in a one injection combination with hydromorphone or in sequence with a paralytic and potassium chloride) take longer to die and exhibit different bodily behaviors in the process. In terms of their respective effects on the human body, deep sedation and general anesthesia are distinct."

The state announced its new execution protocol - which also includes rocuronium bromide and potassium chloride - in October. (See [Gongwer Ohio Report, October 3, 2016](#))

The state's move to a three-drug protocol was necessitated by the botched execution of Dennis McGuire, who gasped for air at times over the course of a 25-minute process carried out for the first time in Ohio with a two-drug cocktail.

That concoction - a mixture of midazolam and hydromorphone, a narcotic painkiller - was used for the first time because in the fall of 2013 European pharmaceutical companies blocked the sale of pentobarbital, which was previously used in the lethal injection process.

Magistrate Judge Merz cited the execution of Mr. McGuire in his decision.

"First of all, there appears to be consensus and the court finds that administration of a paralytic drug and potassium chloride will cause a person severe pain. There is nothing in the testimony to suggest this pain would be limited to persons with particular physical characteristics, such as those testified to in McGuire's case," he wrote.

Magistrate Judge Merz's decision also indicates that the court would likely find an execution method using pentobarbital in the place of midazolam to be constitutional.

"All the parties and witnesses in this case agree that use of a barbiturate, either as the first drug in a three-drug protocol or as the sole drug, would be preferable to the current Ohio protocol in that it would eliminate the side effects observed in midazolam-involved executions identified in the lay testimony and would also eliminate (or at least reduce to a constitutionally acceptable level) the risk of subjecting the inmate to severe pain," he wrote.

[Attorney General Mike DeWine](#)'s office said it is reviewing the decision.

[Rep. Nickie Antonio](#) (D-Lakewood) said the ruling underscores that it's time to abolish the death penalty in the state.

"When the proposed drugs for lethal injection are found to be unconstitutional because they may cause 'substantial risk of serious harm', it is immoral for the state to continue to fight to use them," the lawmaker said in a statement. "I believe it is long past time we abolish the death penalty in Ohio and replace it with a sentence of life without parole."

Megan McCracken of the Berkeley Law School Lethal Injection Project said in a statement that the court reached the right decision.

"This ruling brings Ohio in line with recent developments from other states that have recognized that midazolam is not an appropriate drug for use in executions," she said. "It cannot induce general anesthesia or maintain unresponsiveness when painful stimuli are introduced, as they are in a three-drug lethal injection procedure. The risks of extraordinary pain and suffering with this protocol are unconstitutional, and this ruling correctly recognizes the problems with midazolam."

Mr. Phillips, who was convicted of the 1993 murder of a 3-year-old girl, was scheduled to be executed Feb. 15. Mr. Otte was scheduled to be executed March 15 for the murder of two men during a 1992 robbery. Mr. Tibbetts, sentenced to death for the 1997 murder of his wife and an elderly man she cared for, was slated to be executed April 12.

#### Nominating Council Submits Five Finalists To Kasich For Two PUCO Seats

A nominating council on Thursday named five finalists for a pair of upcoming vacancies on the Public Utilities Commission of Ohio.

Gov. John Kasich now has 30 days to name two new members to the PUCO. Those nominations will be subject to Senate confirmation.

The finalists, which include three Republicans and two Democrats, are:

- Energy and telecommunications attorney Daniel R. Conway of Columbus (R).
- IGS Energy Vice President Lawrence K. Friedeman of Waterville (D).
- CPA and former PUCO staffer J. Edward Hess of Bexley (R).
- ARC Industries board member Raymond W. Lawton of Columbus (D).
- Department of Administrative Services Deputy Director Gregory L. Williams of Westerville (R).

Messrs. Conway, Friedeman, Hess and Lawton are to be considered for an unexpired term ending April 10, 2020. The three finalists not named to that seat along with Mr. Williams are to be considered for the second seat which has a five-year term beginning April 11.

The first four names were clear favorites among members of the council, with Mr. Williams coming in fifth in terms of votes. During a fifth round of voting to determine an additional name for the second seat, all but two members of the 12-member council voted for Mr. Williams.

Also receiving votes but not making the cut were telecommunications professional John G. Musci of Copley (4 votes), energy consultant James M. Teitt of Marysville (3), and PUCO specialist Joseph Buckley of Columbus (2).

"It's almost like last year," Council Chairman Michael Koren said, referring to the search to fill former commissioner Andre Porter's seat. (See Gongwer Ohio Report, June 16, 2016) "We had some really good applicants last year and this year it's the same thing. It's kind of hard to pick."

Overall, eight applicants were interviewed Thursday from a pool of 24 Ohioans who applied. (See Gongwer Ohio Report, January 19, 2017)

They are competing to succeed Commissioner Lynn Slaby, who informed the governor earlier this month that he will not seek reappointment when his term expires in April. (See Gongwer Ohio Report, January 9, 2017)

The other nominee will fill a seat formerly occupied by Howard Petricoff, who resigned in December rather than face potential rejection from the Senate. (See Gongwer Ohio Report, December 2, 2016)

The salaries for the seats, to be determined by the governor, range from \$73,715-\$180,876. State law dictates no more than three members of one political party may sit on the PUCO, but given the current makeup of the PUCO, Gov. Kasich is free to pick anyone he chooses from either party.

**Finalist Backgrounds:** Mr. Conway received 9 votes, the second most of the applicants. He's a longtime attorney and an adjunct professor at Ohio State University's law school where he teaches public utility regulatory law. (Application)

Mr. Conway has been a partner with Porter, Wright, Morris & Arthur since 1989 and served the Ohio State Bar Association in several roles including as chairman of the Public Utilities Committee.

"During the past three-and-a-half decades I have represented telecommunications, electric, and gas companies, primarily public utilities, in a wide variety of complex proceedings at the PUCO and in state and federal courts," he wrote in his application. "I believe that I can make a contribution to the PUCO's mission to advance the public interest in Ohio through professional, well-reasoned, and fair decision making."

Mr. Friedman received 10 votes, the most of any applicants. Since 2010 he's been vice president at IGS, where he oversees market compliance functions and interacts with regulatory commissions and stakeholders. (Application)

Prior to that he was employed at Vectren and Columbia Energy Services Inc. following time spent in the manufacturing industry and stints as the assistant general counsel for a housing authority and an assistant district attorney.

"My experience in both regulated and non-regulated environments has afforded me an advantageous perspective and appreciation for the importance of the commission's activities in the pursuit of reliable and affordable energy supply for consumers," he wrote.

Mr. Hess earned seven votes and previously applied for the 2016 vacancy, although he wasn't chosen then as a finalist.

He began his career with the PUCO in 1975 as an auditor and except for a three year period worked with the commission until 2009. His various roles at the commission include serving as chief of the Accounting and Electricity Division of the Utilities Department. He was a technical specialist at McNees Wallace & Nurick from 2009-2015. (Application)

"I am applying for this position because I want to share my extensive technical and general utility experience with the Public Utilities Commission of Ohio to help it implement solutions that fairly balance the interests of customers, incumbent utilities and competitive suppliers," he wrote.

Mr. Lawton also received seven votes. He's served ARC as a board member since 1986 and was an energy consultant for Battelle Inc. and OSU's Nisonger Center for Excellence in Developmental Disabilities from 2004-2008. From 1998-2004, he was director of OSU's National Regulatory Research Institute. (Application)

In his application he opined that regulators should not pick winning technologies and voiced support for "open collaborative strategies," equal access to networks, competitive markets and a PUCO "active at regional and federal levels."

"An inclusive energy portfolio approach that draws upon the strengths inherent in each of Ohio's energy sectors will be effective," he wrote. "Ohio's energy generation mix must include affordable access for nuclear, gas, coal and renewables. My extensive experience and expertise will help Ohio ratepayers."

Mr. Williams received six votes during the initial round. Since two seats are open, council members decided to conduct a fifth round of voting to select an additional name, which ended with 10 of the 12 members selecting Mr. Williams.

He was a finalist to replace Mr. Porter in 2016. He's been deputy director and state Equal Opportunity coordinator for DAS since January 2015, spent two years as an associate attorney at Whitt Sturtevant LLP and prior to that was legal aide to Mr. Porter during his time at the PUCO. He also spent time as an extradition coordinator and senior law clerk in Gov. Kasich's office. (Application)

"My experience will provide a diverse but informed perspective on the issues the commission considers," he wrote. "I have experience within the PUCO, working closely with commissioners as they deliberated issues before it."

#### OSFC's Goals Include Automation, Reducing Project Closeout Backlog

The Ohio School Facilities Commission's leader on Thursday laid out goals for the year, listing the automation of operations and the filling of vacant project manager roles as priorities.

All goals for the year revolve around the commission continuing to "support our growing customer list" and run as efficiently and effectively as possible, OSFC Executive Director David Williamson said.

One way to achieve those goals is to automate as many of the commission's operations and activities as possible, freeing up staff time and making it easier to stay in communication with districts, he said. OSFC staff is currently investigating options in that regard.

Also among the 2017 focuses are implementation of the funding and policies in the next biennial budget and providing professional development opportunities to employees, he said.

Since its inception in 1997, the commission has served 380 districts, with 279 remaining eligible for funding, Mr. Williamson said. There are currently 39 projects in planning stages, 49 in design and 70 in construction.

Closing out projects is an area where the commission can improve this year and into the future, he said. There is currently a backlog of about 100 projects waiting to complete the long finalization process.

Pointing to districts that are eligible but haven't reached the top of the list for construction funding yet, Superintendent of Public Instruction Paolo DeMaria asked the commission to meet with him to provide details on those schools and what their needs might be.

While some districts likely haven't reached out for dollars in the last 21 years because their local share percentage is high, he voiced concern for districts that would receive a large portion of funding from the state but haven't taken advantage of OSFC programs.

For various reasons, 92 school districts have become eligible for funding but chose to defer their program participation, Mr. Williamson said. Forty districts were approved but their projects have lapsed and eight districts haven't begun work on projects because they're still waiting for local share actions, such as levy approvals.

Although not all districts are receiving support from OSFC, staff has likely communicated with all of them, he said.

"Our team has done a very good job of reaching out and touching base with the districts so they're aware of what we do," he said.

However, one district in particular argued at Thursday's commission meeting that OSFC communication hasn't been up to snuff as of late.

New Riegel School Board President Scott Hohman spoke before the commission to take issue with its handling of structural issues with the district's relatively new school building.

Representatives from his district and others shared a similar message at the commission's last meeting in October. At that time, they urged OSFC to provide financial and legal support for issues the districts have faced with their projects. (See [Gongwer Ohio Report, October 27, 2016](#))

Mr. Hohman said he felt the testimony bears repeating because meetings between the commission and the district have been canceled and OSFC staff has been ordered not to speak about the issue because of pending litigation.

"As a result, a monologue in this public setting is the only venue we have for communication," he said.

The district has opened the bid process for the structural fixes that will likely cost about \$6 million - significantly more than the \$1 million the district invested in the project in 1999, Mr. Hohman said.

Commission members on Thursday also approved a settlement agreement for contractor errors made to a Dayton school's project as well as funding for districts that have acquired their public shares and made changes to their construction plans.

They also voted to maintain the leadership structure of the commission, with Office of Budget and Management Director Tim Keen serving as chairman and Department of Administrative Services Director Robert Blair serving as vice chairman.

### Group Gives Ohio Low Marks In Tobacco Control Report

Ohio didn't get high marks from the American Lung Association for its tobacco control policies in 2016, although most states and the federal government also received poor grades.

The association looked at policies that include spending on prevention and cessation programs, smoke-free air laws, tobacco taxes, access to cessation services and the tobacco purchase age.

Ohio got an A in smoke-free air, according to the "State of Tobacco Control" report, but scored an F in every other category.

In each of the four categories where Ohio scored F's, it was joined by a majority of other states in earning the lowest grade.

"Tobacco use is the leading cause of death and disease in our nation, and 21.6 percent of Ohio residents currently smoke," Ken Fletcher, director of advocacy of the American Lung Association in Ohio, said in a statement. "We know what works when it comes to preventing and reducing tobacco use, what we need is Ohio policymakers to implement the policies and programs called for in 'State of Tobacco Control' that would save lives and protect kids from a lifetime of addiction."

The association called for the state to match the tax on non-cigarette forms of tobacco, increase funding for prevention and cessation programs, and pass laws raising the minimum age for sale of the products to 21.

The report estimated Ohio had more than 20,000 deaths attributable to smoking in 2016, and that smoking had an economic cost of \$5.6 billion.

The Department of Health pointed to programs aimed at helping smokers quit as signs the state is working to lower the smoking rate in the state.

"Ohio has seen a decline in its smoking rate since 2011," ODH spokesman Russ Kennedy said in an email. "The Ohio Department of Health works closely with the statewide Tobacco Free Ohio Alliance and has a robust Tobacco Use Prevention and Cessation Program that provides and promotes tobacco control activities aimed at decreasing the initiation of use of tobacco, increasing the number of people who quit tobacco use, and protecting Ohioans from exposure to secondhand smoke."

While Gov. John Kasich's next biennial budget has yet to be revealed, ODH included tobacco prevention and cessation programs as one of its "pillars of public health" in its preliminary budget request letter. The department noted a number of programs it has used to fight tobacco use, including grants to local health departments to work on youth engagement and working with schools to adopt smoke-free policies. (See Gongwer Ohio Report, December 12, 2016)

Polls have found support for smoke-free policies, with survey late last year saying that a majority of Ohioans favor more outdoor smoke-free areas. (See Gongwer Ohio Report, November 1, 2016)

However, wholesalers and other industry groups have had success in arguing against proposed tax hikes in the state. The GOP majority in past budgets, for instance, have balked at the governor's plans regarding tax increases on e-cigarettes and other forms of tobacco products.

The federal government scored an F for the FDA's regulation of tobacco products, an F for the level of federal tobacco taxes, a C for federal coverage of cessation treatments and a B for its mass media campaigns.

"It's not a secret how to reduce tobacco use in this country. 'State of Tobacco Control' looks at proven methods to save lives and prevent our children from becoming the next generation hooked on tobacco," Mr. Fletcher said. "We must demand that Ohio elected officials urgently act to implement these proven policies that will save lives and prevent tobacco-caused death and disease."

Politics Notebook: Husted Responds To Trump's Call For 'Major' Voter Fraud Probe; Union Reacts To Labor Report...

Secretary of State Jon Husted is apparently OK with a review of the state's election system even though he has questioned President Donald Trump's approach to the issue.

The state official's appearance on CNN Wednesday triggered headlines from Ohio media outlets stating that he didn't think an investigation into voter fraud was necessary.

In an interview with the network's Carol Costello, Mr. Husted indicated a federal probe wasn't warranted and said he wished Mr. Trump "would take a more constructive point of view with this discussion."

His statements followed this Twitter comment on the subject: "We conducted a review 4 years ago in Ohio & already have a statewide review of 2016 election underway. Easy to vote, hard to cheat."

Mr. Trump had previously sent out a tweet himself on the issue after it became public that he continues to claim that as many as five million people voted illegally in the presidential election, costing him the popular vote.

"I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and.... even, those registered to vote who are dead (and many for a long time). Depending on results, we will strengthen up voting procedures!" Mr. Trump stated in his Tweet.

Mr. Husted said in an email statement sent after his CNN appearance, "The fact remains that voter fraud exists, it is rare and in Ohio, we hold people accountable."

"I welcome a review of our election integrity as it is already something we do in Ohio. Over the past six years, we've referred about 150 cases to law enforcement for illegally cast ballots and identified over 400 non-citizens on the voter rolls. We are presently conducting our third post-election review of voter fraud and suppression and look forward to making those results public," he added.

"One step I hope the federal government will take is to give state election officials access to the SAVE database so we can make certain that the only people on the voter rolls are eligible, U.S. citizens. I asked the Obama Administration for this, but received no response. We invite an investigation into Ohio elections so we can show how we have successfully built a system where it is easy to vote and hard to cheat."

Asked if the secretary was backing off his earlier comments to the national network, spokesman Joshua Eck said that wasn't the case.

"No change - he is happy to do a review, mostly since we already are," he said. "However, as he said on CNN, he doesn't believe there should be any sort of federal intervention into our election system. He also believes we have a good system in Ohio with our post-election reviews, our participation in interstate crosscheck systems, etc., and would be happy to see those things adopted around the country in order to improve confidence nationwide."

**Union Membership:** Ohio AFL-CIO President Tim Burga responded Thursday to the latest Bureau of Labor Statistics report on union membership, saying Ohio is bucking the national trend.

While the national number of union members as a percentage of the workforce dropped 0.4% last year, he said Ohio saw a slight increase of 0.1%.

"The national drop in union membership is the direct result of continued attacks on working people across the country," Mr. Burga said in a statement.

"The relative stability of our Ohio membership is attributable to the fact that we have been successful in fending off the worst of these attacks - attacks that political extremists continue to push. There is simply no substitute for working people bargaining collectively for a fair share of the wealth we help create. Collective bargaining leads to higher wages, better benefits, safer workplaces and a more robust economy. We will continue to defend these basic rights at every turn."

**Sessions Opposed:** A group of Ohio clergy on Thursday announced opposition to Mr. Trump's nomination of U.S. Sen. Jeff Sessions (R-Ala.) as attorney general.

More than 100 clergy members submitted an "Ohio Declaration of Moral Resistance" to U.S. Sen. Rob Portman (R-Terrace Park) asking the lawmaker to reject the controversial nominee, who is nonetheless expected to be cleared by the GOP-led Senate.

The group urged Sen. Portman to "only support cabinet appointees who understand that forging a more tolerant and inclusive America is the best way forward."

"Senator Jeff Sessions, who awaits Senate confirmation for Attorney General of the United States - the nation's highest law enforcement office - must be rejected," the declaration states. "His positions, record and rhetoric reveal him to be a threat to the freedoms we hold dear, not a defender of them."

**TPP Move Applauded:** Count the Ohio Farmers Union as among supporters of President Trump's announcement that he won't seek congressional support for the Trans-Pacific Partnership, a trade agreement sought by former President Barack Obama but never presented to lawmakers for ratification.

"We appreciate that President Trump has prioritized the fulfillment of a major campaign promise by formally withdrawing from the Trans-Pacific Partnership," OFU President Joe Logan said in a statement.

"Although farmers, like other businesses have adapted to a global marketplace, we believe that the TPP was deeply flawed. We are confident that a better agreement is possible, but getting one completed will be a major challenge."

OFU External Relations Director Ron Sylvester added that the group looks forward to "working with the Trump Administration on fixing other trade deals such as NAFTA."

"We also hope the Trump Administration will work to restore Country of Origin Labeling in the U.S. for beef, pork and poultry," he said. "U.S. farmers and packers are proud to label their meats with 'U.S.A.', and U.S. consumers want to know where their food comes from."

**Sherwin-Williams Posts Yearly Sales Jump; Abercrombie Makes Corporate Cuts; AEP Operating Earnings Increase...**

Sherwin-Williams ended the fiscal year more than 4% ahead in consolidated net sales, topping out at \$11.86 billion, the company reports.

For the year ended Dec. 31, the company saw a \$516.3 million increase in net sales when compared to the previous year, it reported. Fourth quarter sales also jumped 6.8% compared to 2015.

The company is attributing the sales increase to improved sales in their paint stores as well as a change in revenue classification that began in the third quarter. Before that time, third-party service revenue and related costs were netted.

Absent an unfavorable currency translation rate that's affecting many companies, consolidated net sales would have been 1.4% higher in the year and 0.9% in the fourth quarter, Sherwin-Williams said.

"It is gratifying to report another year of record performances in sales, net income, earnings per share, and earnings before interest, taxes, depreciation and amortization," President, Chairman and CEO John G. Morikis said of the results.

**Abercrombie & Fitch:** The Central-Ohio based retailer told workers this week that it has eliminated 150 corporate positions.

*The Columbus Dispatch* reported the development, which comes on the heels of other major retailer plans to shutter stores or cease operations. The Limited, which was once under the same parent company as A&F, recently filed for bankruptcy.

The company that had gained a reputation for controversial clothing and advertising has struggled to post profits in seeking to rebrand following the ousting of former CEO Mike Jeffries in December 2014.

Also under the Abercrombie & Fitch umbrella are Hollister and Abercrombie Kids.

**AEP:** Year-end 2016 operating earnings for the utility were \$1.937 billion, or \$3.94 per share, compared with \$1.808 billion, or \$3.69 per share last year, American Electric Power reported.

In the same time frame, GAAP earnings came in at \$611 million, or \$1.24 per share, compared with more than \$2 billion, or \$4.17 per share in 2015.

A federal tax audit settlement and commodity hedging led to disparities in year-end GAAP and operating earnings, the company reported.

"In 2016, we were able to successfully grow operating earnings and offset the challenges to our competitive business from deregulation in Ohio," Chairman, President and CEO Nicholas K. Akins said in a statement.

Fourth-quarter operating earnings were \$330 million or \$0.67 per share, compared with operating earnings of \$233 million or \$0.48 per share during the same period of 2015, the company also reported.

**Lancaster Colony:** The Columbus company reported a second-quarter net sales increase of 0.06% to \$326.8 million compared to the same period last year.

Operating income, meanwhile, increased \$7.2 million to \$59.4 million and net income was \$39 million, or \$1.42 per diluted share, compared to \$34.5 million or \$1.25 per diluted share in 2016, according to a company release.

**First Financial:** Full-year earnings per share increased 18% compared to 2015, the Cincinnati bank announced. Earnings for 2016 were \$1.43 per share.

For the fourth quarter, the company reported net income of \$23.3 million, or \$0.38 per diluted common share, which is also a slight increase over the same period last year when net income \$22.9 million, or \$0.37 per diluted common share.

First Financial's Board of Directors also announced a 6.3% increase in the quarterly dividend to \$0.17 per share, payable on April 3, 2017 to shareholders of record as of March 2, 2017.

**KeyCorp:** The Cleveland-based company posted fourth-quarter net income from continuing operations of \$213 million, or \$0.20 per common share, a decrease from the same period last year when it reported \$224 million and \$0.27 per common share.

The company pointed to a decline in earnings per share in the fourth quarter to merger-related charges, without which the company would have seen earnings per common share of \$0.31.

**United Bancorp:** The financial institution reported an 11% increase in diluted earnings per share, for the year ended Dec. 31. Earnings per share were \$0.71 for the year compared to \$0.64 in 2015.

Fourth-quarter diluted earnings per share were \$0.18, representing an increase of 6% over the previous year's fourth quarter.

Governor's Appointments

**Financial Planning and Supervision Commission of the City of Norwood:** Bradley A. Schwartz of Norwood for a term beginning Jan. 26 and continuing at the pleasure of the Governor.

**Ohio Peace Officer Training Commission:** Dr. Emily J. Passias of Dublin for a term beginning Jan. 26 and ending Sept. 20, 2017.

Supplemental Agency Calendar

## Thursday, January 26

**Elections Commission, 77 S. High St., Rm. East B, 31st floor, Columbus, 10 a.m.**

## Thursday, February 9

State Chiropractic Board, 77 South High Street, 19th Floor, Room 1936, Columbus, 9 a.m.

Supplemental Event Planner

## Friday, January 27

Press Briefing on Senate Democrats' Legislative Priorities, Minority Conference Rm., Senate Building, Columbus, 10 a.m.

## Thursday, February 2

Fordham Ohio panel discussion: Facilities challenges facing Ohio charter schools, Chase Tower - Conference Room B, 100 East Broad Street, Sixth Floor, Columbus, 8:30 a.m.

**Subscribers Please Note:** Information provided to Gongwer News Service by a third party on Wednesday contained outdated information about the merger of lobbying firms. Government Advantage Group, Capital Action Group and Singleton & Associates have been aligned and working together since the beginning of 2016. The release was intended to announce the creation of a new logo and website for the firm, culminating the merger process.

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## SENATE ACTIVITY REPORT

### INTRODUCED

**SB 1**

#### DRUG OFFENSES (LaRose, F.)

To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

**SB 2**

#### ENVIRONMENTAL LAWS (Hite, C.)

To revise specified laws relating to environmental protection.

**SB 3**

#### WORKFORCE DEVELOPMENT (Beagle, B., Balderson, T.)

To revise the laws governing the state's workforce development system, programs that may be offered by primary and secondary schools, certificates of qualification for employment, and the Opportunities for Ohioans

with Disabilities Agency, and to designate the first week of May as In-Demand Jobs Week.

SB 4

**HUMAN TRAFFICKING** (Kunze, S., Oelslager, S.)  
To allow a person who is found not guilty of an offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

SB 5

**COLLEGE AFFORDABILITY** (Hottinger, J., Eklund, J.)

To increase the maximum income tax deduction for contributions to college savings accounts and disability expense savings accounts to \$10,000 annually for each beneficiary, to create the Joint Committee on Ohio College Affordability, and to declare an emergency.

SB 6

**BRIDGE PROGRAM** (Hoagland, F.)

To extend the Ohio Bridge Partnership Program through the end of fiscal year 2019 and to require the Director of Transportation to submit a report to the Governor, Senate, and House of Representatives recommending ways to continue to fund the program.

SB 7

**PROTECTION ORDERS** (Bacon, K., Manning, G.)

To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms.

SB 8

**SCHOOL TECHNOLOGY & SAFETY** (Gardner, R., Terhar, L.)

**To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security.**

**SB 9**

**SALES TAX HOLIDAY (Bacon, K.)**

To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

**SB 10**

**PRIMARY ELECTIONS (LaRose, F.)**

To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election.

**SB 11**

**DAY DESIGNATION (Tavares, C.)**

To designate March 31 as "Cesar E. Chavez Day" in Ohio.

**SB 12**

**DEATH PENALTY (Tavares, C.)**

To provide that a defendant cannot be executed if the defendant's race was the basis of the decision to seek or impose the death penalty, to permit a defendant to file a motion alleging that the defendant's race was the basis of the decision to seek or impose the death penalty, and to specify the procedure for determining if the defendant's race was the basis of that decision.

**SB 13**

**LAW ENFORCEMENT RECORDINGS (Tavares, C.)**

To grant a person the right to lawfully record any incident involving a law enforcement officer and to impose civil liability upon the state or a local law enforcement agency if a law enforcement officer employed by the state or local law enforcement agency interferes with the recording of the incident, destroys the recording, seizes the recording without a warrant or subpoena or the person's consent, or retaliates against the person who recorded the incident.

**SB 14**

**DOMESTIC WORKERS (Tavares, C.)**

To require that domestic workers be paid the

higher of the minimum wage provided in Section 34a of Article II, Ohio Constitution, or the minimum wage provided in the Fair Labor Standards Act, to require that domestic workers be paid overtime wages, to make certain conduct directed toward a domestic worker an unlawful discriminatory practice, and to require a weekly day of rest for domestic workers.

**SB 15**

**SET-ASIDE PROGRAMS (Tavares, C.)**

To require community colleges, state community colleges, technical colleges, and university branches to comply with minority business enterprise set-aside requirements, and to require the Director of Administrative Services to establish guidelines for these entities, and the Northeast Ohio Medical University, to establish procurement goals for contracting with EDGE business enterprises.

**SB 16**

**CULTURAL COMPETENCY (Tavares, C.)**

To require certain health care professionals to complete instruction in cultural competency.

**SB 17**

**LOCAL GOVERNMENT FUNDING (Tavares, C.)**

To increase monthly allocations to the Local Government Fund from 1.66% to 3.68% of the total tax revenue credited to the General Revenue Fund each month.

**SB 18**

**DAY DESIGNATION (Thomas, C.)**

To designate September 12 as "Jesse Owens Day."

**SB 19**

**PROSECUTING ATTORNEYS (Thomas, C.)**

To prohibit prosecuting attorneys of counties with a population of 400,001 or more from engaging in the private practice of law.

**SB 20**

**FELONY SENTENCES (Hackett, B.)**

To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm.

**SB 21**

**ELECTION PROCEDURES (Uecker, J.)**

To reduce the minimum number of precinct

election officials in a precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death.

**SB 22**

**TAX LAWS (Peterson, B.)**

To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.

**SB 23**

**DAY DESIGNATION (Terhar, L.)**

To designate January 31 as "Omphalocele Awareness Day."

**SB 24**

**LOAN ACT (Terhar, L.)**

To create the Ohio Consumer Installment Loan Act.

**SB 25**

**PERRY COUNTY COURT (Hottinger, J.)**

To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017.

**SB 26**

**ROAD NAMING (Hottinger, J., Jordan, K.)**

To designate a portion of State Route 205 and United States Route 62 in Knox County as the "Officer Thomas W. Cottrell Jr. Memorial Highway."

**SB 27**

**MONTH DESIGNATION (Beagle, B.)**

To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month."

**SB 28**

**ABORTION (Uecker, J.)**

Regarding final disposition of fetal remains from surgical abortions.

**SB 29**

**BANKING LAW (Coley, B., Oelslager, S.)**

For the purpose of enacting a new banking law

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**for the State of Ohio.**

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Ohio Media Clips, Thursday, February 2

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MEDIA CLIPS

## NEWS

Governor: Ohio must embrace future, change Rust Belt image (Akron Beacon Journal. 2/2/2017)

With \$2.6M, Ohio creates network to support violence victims  
(Associated Press, 2/2/2017)

Kasich: Losing Amazon isn't 'game over' (Cincinnati Enquirer, 2/2/2017)

Sen. Brown blocks committee vote on Trump's Treasury nominee (Cincinnati Enquirer, 2/2/2017)

'Right to work' won't be popular in Ohio, state lawmakers say (Cleveland Plain Dealer, 2/2/2017)

New Ohio GOP Chairwoman Jane Timken's message for Kasich allies: 'I will not keep score' (Cleveland Plain Dealer, 2/2/2017)

Ohio to appeal court ruling preserving Cleveland's Fannie Lewis Law (Cleveland Plain Dealer, 2/2/2017)

Sherrod Brown stalls Steve Mnuchin, Josh Mandel slams sanctuary cities: Ohio Politics Roundup (Cleveland Plain Dealer, 2/2/2017)

Callers jam Senate phone lines with concerns about Trump nominees (Columbus Dispatch, 2/2/2017)

Kasich administration makes final push to Medicaid managed care (Columbus Dispatch, 2/2/2017)

Kasich says state did all it could to land \$1.4 billion Amazon hub (Columbus Dispatch, 2/2/2017)

Kasich tax plan faces questions from House panel (Columbus Dispatch, 2/2/2017)

The Daily Briefing: David Pepper, Jane Timken differ on which party has more energy (Columbus Dispatch, 2/2/2017)

Call volume overwhelms Senate switchboard (Dayton Daily News, 2/2/2017)

Dayton Mayor Nan Whaley 'considering' run for governor (Dayton Daily News, 2/2/2017)

Kasich gives his take on the Wright Brothers, Trump and Ohio's image (Dayton Daily News, 2/2/2017)

Ohio Gov John Kasich reacts to loss of 300 Amazon jobs to Kentucky (Dayton Daily News, 2/2/2017)

**Ohio House speaker rents luxury condo from top GOP donor (Dayton Daily News, 2/2/2017)**

**Budget chief: Kasich conservative on growth (Toledo Blade, 2/2/2017)**

**Portman, Brown react to Supreme Court pick (Toledo Blade, 2/2/2017)**

**Senator's war chest ahead of 2012 pace (Toledo Blade, 2/2/2017)**

## EDITORIALS

**Cities, refugees and the president's flawed executive order (Akron Beacon Journal, 2/2/2017)**

**Mandel: We are at war with radical Islam (Cincinnati Enquirer, 2/2/2017)**

**Sen. Rob Portman must lead in legislative efforts to counter President Trump's dangerously expansive travel ban: editorial (Cleveland Plain Dealer, 2/2/2017)**

**Committed to the law (Toledo Blade, 2/2/2017)**

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## SENATE ACTIVITY REPORT

### INTRODUCED

**SB 30****VEHICLE TRAFFIC (Eklund, J.)**

To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads.

**SB 31****SEWAGE SYSTEMS (Eklund, J.)**

To authorize a board of county commissioners or municipal legislative authority to elect to withdraw the county or municipal corporation from the application of any rule adopted by the Department of Health after January 1, 2014, that governs the design of household sewage treatment systems.

**SB 32****TRIAL TIMELINES (Eklund, J.)**

To provide a prosecutor an additional fourteen days to commence a trial after a person charged with a felony has been discharged because the person has not been brought to trial within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial.

**SB 33****LAW ENFORCEMENT DATA (Eklund, J.)**

To allow disclosure of information from the law enforcement automated data system (LEADS) to a defendant in a traffic or criminal case.

**SB 34****ACADEMIC YEAR (Manning, G.)**

To generally require public and chartered nonpublic schools to open for instruction after Labor Day.

**SB 35****TAX CREDIT (Skindell, M.)**

To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017.

**SENATE PRESIDENT'S APPOINTMENTS**

**CONTROLLING BOARD: APPOINT SEN. HOTTINGER AS A TEMPORARY REPLACEMENT FOR SEN. COLEY FOR THE PURPOSE OF THE BOARD'S MEETING ON MONDAY, FEB. 6, 2017**

**RECLAIM ADVISORY BOARD: APPOINT SEN. EKLUND**

**SCHOOL FACILITIES COMMISSION: APPOINT SENS. MANNING AND SYKES AS NON-VOTING MEMBERS**

**ABLE ACCOUNT PROGRAM ADVISORY BOARD: APPOINT SEN. EKLUND**

**CRIMINAL SENTENCING COMMISSION: APPOINT SEN. EKLUND**

**CHILDREN'S TRUST FUND BOARD: APPOINT SENS. KUNZE AND THOMAS**

**ARTS COUNCIL: APPOINT SENS. DOLAN AND SKINDELL AS NON-VOTING MEMBERS**

**CONSTITUTIONAL MODERNIZATION COMMISSION: APPOINT SEN. SYKES**

**COMMISSION ON MINORITY HEALTH: APPOINT SENS. KUNZE AND THOMAS**

**TURNPIKE AND INFRASTRUCTURE COMMISSION: APPOINT SEN. LAROSE**

**COMMISSION ON INFANT MORTALITY: APPOINT SENS. KUNZE (CO-**

**CHAIR) AND TAVARES**

**PUBLIC WORKS COMMISSION: APPOINT PATRICK GINNETTI**

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## NEWS

**Feds, states square off in court over Trump travel ban (Associated Press, 2/7/2017)**

**Victim rights amendment in Ohio clears initial hurdle (Associated Press, 2/7/2017)**

**Criminal penalties for Cranley and sanctuary city advocates? (Cincinnati Enquirer, 2/7/2017)**

**Is Kasich punishing local GOP for backing Trump? (Cincinnati Enquirer, 2/7/2017)**

**Ohio woman tries offbeat tactic to sway Portman on DeVos (Cincinnati Enquirer, 2/7/2017)**

**Civil rights attorney gets a call from Josh Mandel days after trashing him on Twitter (Cleveland Plain Dealer, 2/7/2017)**

**Find out if you would save under Ohio Gov. John Kasich's tax plan (calculator) (Cleveland Plain Dealer, 2/7/2017)**

**Is there a 51st anti-Betsy DeVos vote? Democrats hold talkathon in hopes of finding one (Cleveland Plain Dealer, 2/7/2017)**

**Josh Mandel is already in full 2018 form: Ohio Politics Roundup (Cleveland Plain Dealer, 2/7/2017)**

**How to contact your public official (Columbus Dispatch, 2/7/2017)**

**Mandel, state rep want to ban sanctuary cities (Columbus Dispatch, 2/7/2017)**

**Trump trails Obama in number of executive orders, but not impact (Columbus Dispatch, 2/7/2017)**

**Ohio elected officials may face charges if illegal immigrant kills someone (Dayton Daily News, 2/7/2017)**

**Ohio Gov. John Kasich clarifies position on abortion (Dayton Daily News, 2/7/2017)**

**Would your school district gain money in the proposed state budget? (Dayton Daily News, 2/7/2017)**

**Brown to oppose EPA, labor picks (Toledo Blade, 2/7/2017)**

**Ohio called ground zero in dangerous opioid fight (Toledo Blade, 2/7/2017)**

**Proposal aims to ease loss of tax (Toledo Blade, 2/7/2017)**

## **EDITORIALS**

**Public works for local workers (Akron Beacon Journal, 2/7/2017)**

**Editorial: Transit agencies face uncertain funding scenario (Canton Repository, 2/7/2017)**

**Editorial: Transition center could save lives (Columbus Dispatch, 2/7/2017)**

**Kasich's education push deserves bipartisan nod (Youngstown Vindicator, 2/7/2017)**

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## HOUSE ACTIVITY REPORT

### INTRODUCED

**HB 47**

**EXTRACURRICULAR ACTIVITIES** (Boccieri, J.)  
To enact the "Students to Soldiers Support Act (S3A)" regarding the participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges.

**HB 48**

**WAR RELICS** (Schaffer, T.)  
To prohibit a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of, or destroyed, relocated, removed, altered, or otherwise disturbed, except under certain circumstances.

**HB 49**

**BIENNIAL BUDGET** (Smith, R.)  
To provide authorization and conditions for the operation of state programs.

**HB 50**

**EBT CARDS** (Schaffer, T.)  
To establish requirements for electronic benefit

transfer cards issued under the Supplemental Nutrition Assistance Program.

## REFERRED

### Civil Justice

HB 1

#### DATING PROTECTION ORDERS (Sykes, E., Manning, N.)

To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.

HB 7

#### MEDICAL PROVIDER IMMUNITY (Cupp, R.)

To grant qualified civil immunity to certain medical providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records

maintain their confidentiality; and to clarify the definition of "medical claim."

## Criminal Justice

**HB 6**

### CRIMINAL RECORDS (Barnes, J.)

To prohibit a person who publishes or disseminates criminal record information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition.

**HB 19**

### DRUG PRODUCTION (Blessing, L., Landis, A.)

To include recklessly causing, by means of fire or explosion, physical harm to the offender's or another person's motor vehicle, house, building, or other structure, or to any other property of another person, while manufacturing or attempting to manufacture a controlled substance, as a violation of the offense of arson.

**HB 30**

### PRISON TERMS (Koehler, K.)

To require an additional prison term of 3 to 8 years for an offender who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to a specification that the victim suffered permanent disabling harm and that the victim was under 6 years of age at the time of the offense.

**HB 38**

### AGGRAVATED MURDER (Greenspan, D.)

To provide that purposely causing the death of a first responder or military member is aggravated murder and to require an offender to serve the prison term imposed for felonious assault on a peace officer, investigator, first responder, or military member consecutively to the prison term imposed for any related offense.

## Economic Development, Commerce & Labor

**HB 2**

### CIVIL RIGHTS LAWS (Seitz, B.)

To modify Ohio civil rights laws related to employment.

## Education & Career Readiness

**HB 21**

**COMMUNITY SCHOOLS (Hambley, S.)**  
Regarding verification of community school enrollments.

**HB 37**

**SCHOOL FACILITIES (Arndt, S.)**  
To require the Ohio School Facilities Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security.

## Energy & Natural Resources

**HB 29**

**WATER RESERVOIRS (Leland, D., Boggs, K.)**  
To eliminate law authorizing the maintenance of buffers around municipal water reservoirs by contiguous property owners.

## Finance

**HB 3**

**DATAOHIO BOARD (Duffey, M., Hagan, C.)**  
To create the DataOhio Board, to specify requirements for posting public records online, to require the Auditor of State to adopt rules regarding a uniform accounting system for public offices, to establish an online catalog of public data at data.Ohio.gov, to establish the Local Government Information Exchange Grant Program, and to make appropriations.

## Financial Institutions, Housing & Urban Development

**HB 10**

**CROWDFUNDING (Arndt, S.)**  
To permit intrastate equity crowdfunding under certain circumstances.

**HB 35**

**BANKING LAW (Hughes, J.)**  
For the purpose of enacting a new banking law for the State of Ohio.

## Government Accountability & Oversight

**HB 8**

**RECORDS EXEMPTION (Hambley, S., Rezabek, J.)**

To exempt from the Public Records Law certain information concerning a minor that is included in a record related to a traffic accident involving a school vehicle in which the minor was an occupant at the time of the accident.

HB 13

**JURY SERVICE (Gonzales, A.)**

To permit a prospective juror who is a mother who is breast-feeding her baby to be excused from jury service.

HB 14

**VOTER REGISTRATION (Clyde, K.)**

To require that eligible persons in certain government and school databases be automatically registered to vote or have their registrations updated automatically unless those persons decline and to expand how a voter may register or update their registration through the online voter registration system.

HB 17

**CHARITABLE BINGO (Cera, J.)**

To reduce the licensing fee for charitable organizations conducting instant bingo on five or fewer days per year, and to allow those organizations to change the location and date of the instant bingo sessions after a license has been issued.

HB 18

**SPECIAL ELECTIONS (Pelanda, D., Rutherford, W.)**

To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances.

HB 20

**COMPENSATORY DAMAGES (Gonzales, A., Boggs, K.)**

To remove the cap on the amount of compensatory damages that represents damages for noneconomic loss that is recoverable in a tort action when the tort action is brought by a victim of rape, felonious assault, aggravated assault, assault, or negligent assault.

HB 23

**ALCOHOLIC ICE CREAM (Patterson, J., Boggs, K.)**

To allow A-4 liquor permit holders to manufacture and sell ice cream containing

between one-half of one per cent and six per cent of alcohol by volume.

**HB 25**

**PRESIDENTIAL ELECTIONS (Ramos, D., Leland, D.)**

To adopt the Agreement Among the States to Elect the President by National Popular Vote.

**HB 33**

**FIREARM STORAGE (Patmon, B.)**

To prohibit any person from storing or leaving a firearm in the person's residence unless the firearm is secured in safe storage or rendered inoperable if the person knows or reasonably should know that a minor is able to gain access to the firearm and to provide criminal penalties if a minor gains unauthorized access to a firearm not so stored or rendered inoperable.

## Insurance

**HB 27**

**BWC BUDGET (Brinkman, T.)**

To make changes to the Workers' Compensation Law, to make appropriations for the Bureau of Workers' Compensation for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of the Bureau's programs.

**HB 28**

**IC BUDGET (Brinkman, T.)**

To make appropriations for the Industrial Commission for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of Commission programs.

## State & Local Government

**HB 5**

**MICROBUSINESSES (Pelanda, D., Gavarone, T.)**

To create a statutory definition of "microbusiness."

**HB 12**

**OFFICIAL STATE STRUCTURE (Gonzales, A.)**

To designate the barn as the official historical architectural structure of the state.

**HB 31**

**GOVERNMENT CONTRACTING (Cupp, R.)**

To abolish the Government Contracting

**Advisory Council.****HB 34**

**PUBLIC NOTICES (Hambley, S., Ryan, S.)**  
To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail.

**Ways & Means****HB 15**

**ABANDONED MINES (Cera, J.)**  
To credit a portion of the revenue derived from the kilowatt-hour tax to the Abandoned Mine Reclamation Fund, the Acid Mine Drainage Abatement and Treatment Fund, and the Mine Safety Fund and to make other changes to the use of money in those funds.

**HB 24**

**VETERAN ORGANIZATIONS (Ginter, T.)**  
To modify the existing tax exemption for veterans organizations' property to include property of certain veterans organizations exempt from federal taxation under section 501C(4) of the Internal Revenue Code and to exclude property that is not used primarily for meetings, administration, and the provision of programs and services to past and present members of the United States armed forces.

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## House Floor Report

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## HOUSE ACTIVITY REPORT

### INTRODUCED

**HB 51****AGENCY REVIEWS (Faber, K.)**

To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

**HB 52****DEED SOLICITATION (Rezabek, J.)**

To regulate the solicitation of certain deeds.

**HB 53****UNION DUES (Becker, J.)**

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are

not members of the employee organization, and to make an appropriation.

**HB 54****REVENUE OBLIGATIONS (Blessing, L., Gavarone, T.)**

To authorize the Treasurer of State to issue revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities.

**HB 55****ROAD NAMING (Rogers, J.)**

To designate a portion of State Route Two in Lake County as the "Lcpl Bret M. Poklar Memorial Highway."

**HB 56****HUMAN TRAFFICKING (Dever, J., Gavarone, T.)**

To permit a person who is found not guilty or is the defendant in a dismissed case to apply for an expungement of the person's records in the case if the complaint, indictment, or finding of not guilty resulted from the applicant having been a victim of human trafficking, to permit a person convicted of certain prostitution-related offenses to apply for the expungement of any record of conviction of an offense, with certain exceptions, if the person's participation in the offense was a result of having been a victim of human trafficking, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution.

**HB 57****DOMESTIC STEEL (Boccieri, J., Ramos, D.)**

To require the use of domestic steel in construction, repair, or improvement projects involving certain buildings used by public schools, state institutions of higher education, and specified private colleges.

**HB 58****CURSIVE HANDWRITING (Brenner, A., Slaby, M.)**

To require instruction in cursive handwriting.

**HB 59****DAY DESIGNATION (Leland, D., West, T.)**

To designate October 7 as "Moses Fleetwood Walker Day."

**HB 60**

**DRIVER'S LICENSES (Hambley, S., Rogers, J.)**  
To authorize the issuance of an enhanced driver's license, enhanced commercial driver's license, and enhanced identification card to facilitate land and sea border crossings between the United States and Canada and Mexico, pursuant to an agreement with the United States Department of Homeland Security.

## **HOUSE SPEAKER'S APPOINTMENTS**

**FEDERALISM AND INTERSTATE RELATIONS: REMOVE REPRESENTATIVE DUFFEY; APPOINT REPRESENTATIVE GOODMAN.**

**JOINT LEGISLATIVE ETHICS COMMITTEE: APPOINT REPS. STRAHORN, CELEBREZZE, AND ANTONIO.**

**OHIO LEGISLATIVE SERVICE COMMISSION: SPEAKER ROSENBERGER, REPRESENTATIVES SCHURING, PELANDA, LATOURETTE, AND PATTON.**

**OHIO CONSTITUTIONAL MODERNIZATION COMMISSION: REP. HOLMES**

**STATEWIDE EMERGENCY SERVICES INTERNET PROTOCOL NETWORK STEERING COMMITTEE: REP. CARFAGNA**

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## News Tracking Lesson

## NEWS

**Election, Women's March prompt women of color to seek office (Associated Press, 2/14/2017)**

How young is too young? 36,000 elementary school suspensions  
(Cincinnati Enquirer, 2/14/2017)

Kasich: Enough with the 'Rust Belt' (Cincinnati Enquirer, 2/14/2017)

'Right-to-work' bill introduced in Ohio House (Cleveland Plain Dealer, 2/14/2017)

Josh Mandel, gearing up for 2018 Senate run, has recruited campaign leaders in all 88 Ohio counties (Cleveland Plain Dealer, 2/14/2017)

Learn how much a new college savings proposal in Ohio could save you  
(Cleveland Plain Dealer, 2/14/2017)

Ohio Gov. John Kasich wants Sandusky to host this year's State of the State address (Cleveland Plain Dealer, 2/14/2017)

That time Donald Trump crashed a Lindner's wedding: Ohio Politics Roundup (Cleveland Plain Dealer, 2/14/2017)

Kasich to give State of State in home of roller coasters and merry-go-rounds (Columbus Dispatch, 2/14/2017)

Statehouse maneuvering: Householder wants off committees (Columbus Dispatch, 2/14/2017)

The Daily Briefing: Former congressman, state lawmaker form lobbying firm (Columbus Dispatch, 2/14/2017)

The Daily Briefing: Trump's first presidential visit to Ohio canceled  
(Columbus Dispatch, 2/14/2017)

Your Right to Know: Drug-death records would be secret (Columbus Dispatch, 2/14/2017)

China shipments fuel local drug trade (Dayton Daily News, 2/14/2017)

Gov. Kasich looks to make big changes to K-12 schools (Dayton Daily News, 2/14/2017)

Ohio businesses set to cash in on pot (Dayton Daily News, 2/14/2017)

What do you want Gov. Kasich to focus on in 2017? (Dayton Daily News, 2/14/2017)

Bill to honor Walker hits House floor for 3rd time (Toledo Blade, 2/14/2017)

Kasich looks to deliver 2017 address in Sandusky (Toledo Blade, 2/14/2017)

## EDITORIALS

Judges do their job in checking the executive (Akron Beacon Journal, 2/14/2017)

**Editorial: Funding concerns still exist for College Credit Plus program (Canton Repository, 2/14/2017)**

Editorial: More needed to fight overdoses (Columbus Dispatch, 2/14/2017)

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## HOUSE ACTIVITY REPORT

### INTRODUCED

**HB 61****SALES TAX (Johnson, G., Kelly, B.)**

To exempt from sales tax the sale of tampons and other feminine hygiene products associated with menstruation.

**HB 62****WATER QUALITY (Patterson, J., Sheehy, M.)**

To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption.

**HB 63****PRISON TERMS (Hughes, J.)**

To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an

accelerant in committing the violation and to name the act's provisions "Judy's Law."

## REFERRED

### Civil Justice

**HB 52**

#### **DEED SOLICITATION (Rezabek, J.)**

To regulate the solicitation of certain deeds.

### Community & Family Advancement

**HB 50**

#### **EBT CARDS (Schaffer, T.)**

To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program.

### Criminal Justice

**HB 48**

#### **WAR RELICS (Schaffer, T.)**

To prohibit a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of, or destroyed, relocated, removed, altered, or otherwise disturbed, except under certain circumstances.

### Economic Development, Commerce & Labor

**HB 42**

#### **UNSAFE TIRES (Sprague, R., DeVitis, T.)**

To prohibit the installation of unsafe used tires on certain motor vehicles.

### Education & Career Readiness

**HB 47**

#### **EXTRACURRICULAR ACTIVITIES (Boccieri, J.)**

To enact the "Students to Soldiers Support Act (S3A)" regarding the participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges.

### Finance

**HB 53**

#### **UNION DUES (Becker, J.)**

To remove any requirement under the Public Employees Collective Bargaining Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

## Financial Institutions, Housing & Urban Development

**HB 46**

### LIBRARY FUNDS (Sprague, R.)

To modify the qualifications regarding notes eligible for investment of county inactive moneys and money in the public library fund.

## Government Accountability & Oversight

**HB 41**

### VOTER REGISTRATION (Pelanda, D.)

To modify the law concerning challenges to voter registrations, the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person.

## Health

**HB 45**

### MONTH DESIGNATION (Sprague, R.)

To designate May as "Neurofibromatosis Awareness Month."

## State & Local Government

**HB 39**

### SNOW REMOVAL (Arndt, S., Gavarone, T.)

To authorize certain townships to require the removal of snow and ice from sidewalks abutting property.

**HB 40**

### STATE SPENDING (Dever, J., Greenspan, D.)

To require the Treasurer of State to establish the Ohio State Government Expenditure Database.

**HB 44**

### DAY DESIGNATION (Patmon, B.)

To designate May 24 as First Responders' Appreciation Day.

**HB 51****AGENCY REVIEWS (Faber, K.)**

To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

**Transportation & Public Safety****HB 43****ROAD NAMING (DeVitis, T.)**

To designate the portion of State Route 93 in New Franklin as the "PFC Burt "Rusty" Miller Memorial Highway."

**Ways & Means****SB 22****TAX LAWS (Peterson, B.)**

To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.

**SENATE ACTIVITY REPORT****INTRODUCED****SB 45****UNCLAIMED FUNDS (Williams, S.)**

Regarding payment to a registered finder of unclaimed funds.

**SB 46****ROAD NAMING (Williams, S.)**

To designate portions of United States Route 422 within the municipal corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

**SB 47****NONCOMPETE LANGUAGE (Williams, S.)**

To prohibit the use of noncompete provisions in employment contracts in the broadcasting industry.

**HEARING IMPAIRMENTS (Williams, S.)**

**SB 48**

**To create a special license plate for hearing-impaired individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested.**

**SB 49**

**EMPLOYMENT APPLICATIONS (Williams, S.)**  
To prohibit private employers from including on an employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony.

**SB 50**

**OIL GAS LAWS (Skindell, M.)**  
To prohibit land application and deep well injection of brine, to prohibit the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

**SB 51**

**LAKE ERIE (Skindell, M., Eklund, J.)**  
To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.

**SB 52**

**MARRIAGE CEREMONIES (Skindell, M.)**  
To allow any person or entity that registers with the secretary of state to solemnize marriages.

**SB 53**

**LAKE ERIE DRILLING (Skindell, M.)**  
To ban the taking or removal of oil or natural gas from and under the bed of Lake Erie.

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OHIO REPORT

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# OHIO REPORT

## TUESDAY, FEBRUARY 14

**Mohr Outlines Continued Emphasis On Community-Based Initiatives; House Panel Again Questions Keen On Budget**

**House Democrats Say State's Economic Picture A 'Wake-Up Call,' Criticize Budget Proposals**

**Engineers Proposes Changes To Transportation Bill; Traffic Safety Advocate Seeks More Public Transit Funding**

**With Law Enforcement Support, House Panel Reports Bill Clarifying Cocaine Possession**

**As Committee Discussion On Employment Discrimination Bill Resumes, So To Do Concerns**

**Lawmakers Take Another Crack At Directing Dollars To School Upgrades, Tracking Student Residences**

**House Panel Advances Bill To Permit Casino Employee Gambling**

**Bill Would Require Certain Ratios Of Nurses To Patients In Some Hospital Settings**

**OBM Releases Details, Projected Distributions Under Proposed New Local Government Fund Formula**

## **Health Plan Study: Managed Care Has Saved State Billions**

**Capitol Scene: Secaur Named ORP Executive Director; Former CIIC Chief Saul Joins Planned Parenthood**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Local Government, Public Safety & Veterans Affairs**

**Insurance & Financial Institutions**

**Judiciary**

**Health, Human Services & Medicaid**

**House Committee Hearings**

**Ways & Means**

**Financial Institutions, Housing & Urban Development**

**Finance**

**Criminal Justice**

**Economic Development, Commerce & Labor**

**State & Local Government**

**Education & Career Readiness**

## **ACTIVITY REPORTS**

**House**

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## Day Planner

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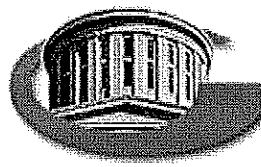
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# GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #86, Report #30 -- Tuesday, February 14, 2017

Mohr Outlines Continued Emphasis On Community-Based Initiatives; House Panel Again Questions Keen On Budget

Department of Rehabilitation and Correction Director Gary Mohr on Tuesday urged members of a House panel to preserve a portion of Gov. John Kasich's biennial budget proposal designed to divert certain offenders from the state's overcrowded prisons.

In testimony before the House Finance Committee, Mr. Mohr said the expanded pilot program has the potential to save the state at least \$20 million over the next two years.



"It is critical that we not modify this diversion program introduced with our proposal," he said in his testimony. "Not only does it directly impact our budget in its first year, most importantly, these individuals will be diverted from the state prison system and will avoid facing a lifetime of collateral consequences. I firmly believe that it is a prudent policy to invest in people instead of brick and mortar resources and this budget proposal wholeheartedly supports that view."

The two-year budget proposal (HB 49) includes an additional \$19 million for community-based initiatives in Fiscal Year 2018 and an additional \$39 million in FY 2019.

Gary Mohr

Clinton, Ross, Medina, Lucas, Williams, Defiance, Henry and Fulton counties currently participate in the pilot program, through which they are provided with funding to treat low-level offenders in their communities.

"As part of this agreement, DRC provides these counties with additional resources to fund a variety of supervision services within the community. The participating counties have embraced this pilot and have implemented a diverse range of programs, from hiring a medical director to assist the court in selecting drug treatment options, to funding a detox center in a vacant wing of a county jail," Mr. Mohr said.

"The response of the pilot counties underscores the idea that local communities are better situated to identify the needs of their citizens who are struggling with addiction. These resources allow for the counties to address these needs while maintaining public safety."

In year one of the biennial budget, DRC plans to expand the program to counties that volunteer to participate. In year two, fifth-degree felons except for those that commit sex offenses, offenses of violence, mandatory offenses and those with a prior felony sex or violent offenses will no longer be prison eligible.

Of the approximately 20,000 commitments to DRC facilities each year, about 8,300 serve one year or less in prison, and about half of the 8,300 are serving time for a fifth-degree felony offense, Mr. Mohr said.

Rep. Keith Faber (R-Celina) told Mr. Mohr that he has heard concerns from local officials about the program, especially the cost of providing health care to the offenders.

"There are no strings attached to those dollars. It's a local decision," Mr. Mohr said.

Rep. Tom Patton (R-Strongsville) also said the program could run into difficulty in some areas. While he said he supports not sending "short-timers" to prison to get "a master's degree in criminology, but of the wrong kind" he also said that judges may be reluctant to get on board.

"You don't get elected being soft on crime," he said.

Mr. Mohr said he has been working with judges from across the state since 2011, and he believes more and more are becoming receptive to community-based initiatives.

"I believe that we are in a much better positon now. And I want to increase judicial discretion," he said.

Mr. Mohr also highlighted DRC's efforts to address violent behaviors in prisons, targeted reentry efforts toward high security inmates and the growing population of women in prison facilities.

"This budget proposal is necessary to provide for continued agency operations. However, it also makes critical investments in community corrections and programming that research shows lead to improved outcomes for offenders, reduced recidivism, and lower incarceration costs to Ohio taxpayers," he said. "The initiatives we are implementing will allow us to provide services that achieve our agency mission in the most efficient manner possible for the taxpayers of Ohio."

In response to a question from Rep. Alicia Reece (D-Cincinnati) about a potential merger between DRC and the Department of Youth Services, Mr. Mohr said there are no plans to combine the two agencies.

Rep. Dan Ramos (D-Lorain) questioned Mr. Mohr on the November release of former DRC inmate Brian Lee Golsby, who has been charged in the murder of 21-year-old Ohio State student Reagan Tokes.

"When these things happen, it's personal," Mr. Mohr said. He went on to add that the most predictive indicator that an inmate will reoffend is whether they engage in acts of violence while incarcerated.

"This was a person that was going home on the same day he was sentenced to go home even though he had a poor record inside of prison," he said.

**Keen Returns:** The panel also got another opportunity to question Office of Budget and Management Director Tim Keen.

Rep. Jack Cera (D-Bellaire) led off the questioning by asking about the underlying economics behind the budget proposal, including sales tax figures.

"The sales tax is growing, it's just growing more slowly than we had expected," Mr. Keen said, attributing it to slower economic growth nationwide.

Rep. Reece questioned Mr. Keen on a proposal to allow for the collection of the Motor Fuel Tax at the refinery rack starting in 2018, saying some small businesses were caught off guard by the proposal. (See Gongwer Ohio Report, February 13, 2017)

Mr. Keen said the proposal will make the tax collection more efficient, and added that discussions on the proposal have been ongoing.

"I am surprised that someone would be surprised," he said.

Rep. John Patterson (D-Jefferson) questioned Mr. Keen on Ohio's job growth relative to other states.

Mr. Keen said that several recommendations from Gov. John Kasich's Office of Workforce Transformation were included in the proposed spending outline and are designed to spur job creation.

House Democrats Say State's Economic Picture A 'Wake-Up Call,' Criticize Budget Proposals

House Democrats said Tuesday that Gov. John Kasich's warning about the state possibly nearing a recession and the need for a tight budget was an "economic wake-up call" for Ohio.

The Democrats on the House Finance Committee said the state's policy of cutting taxes, particularly income taxes, has not helped the state grow its economy or add good jobs in the past six years.

"Today and in this budget, the same failed economic ideology from generations ago is still holding us back from economic prosperity," Rep. Emilia Sykes (D-Akron) said in a Statehouse news conference.

The Democrats criticized the budget's tax proposals, saying they were more of the same policies of tax shifting that have not boosted the economy. (See Gongwer Ohio Report, February 1, 2017)

Rep. Jack Cera (D-Bellaire), the ranking Democrat on the Finance Committee, pointed to the biggest single potential job creator in the state - the proposed PTT ethane cracker facility in his district in eastern Ohio - as a sign that job growth is not being spurred by income taxes.

"That company's not coming here because income tax rates are low. If they decide to come here and invest almost \$6 billion in Ohio, they're coming here because of the natural resources Ohio has," he said.

Most of the jobs that have been created in the state, he said, are not the well-paid manufacturing jobs with benefits and stability that Ohio has lost.

"We need jobs that pay wages that sustain a family and let Ohioans earn enough to afford a future," he said.

Budget Director Tim Keen disputed claims that the state has been outpaced by other states in growth.

"Given the fact that we are essentially a flat population state, the fact that we continue to get the job growth that we do, in my mind, shows an element of strength," he said in an interview. "Even with the flat population we continue to show job growth."

Mr. Keen pointed to Gov. Kasich's past cuts to income tax and taxes on small businesses as ways to spur spending and boost the economy.

"The governor has focused on reducing income taxes for everyone across the board with targeted relief for low and middle income Ohioans and we've had targeted relief for small businesses, where more than half of the job growth occurs," he said.

The Democrats also criticized the budget proposal for not putting more money into the hands of local governments. The reductions in the Local Government Fund over the past few years have put strains on cities, villages, townships and counties as their costs continue to rise, the lawmakers said.

They specifically criticized the proposed replacement for the Medicaid managed care sales tax, which allowed counties and transit authorities to "piggyback" on the state tax to bring in local sales tax revenue. (See Gongwer Ohio Report, February 8, 2017)

Rep. Cera said county commissioners were worried because, for many counties, the MCO sales tax accounted for a large percentage of their revenue, and the state's proposed replacement plan only offers temporary assistance. He suggested the state could consider broadening the base of the sales tax instead of taking it out of the tax base entirely and making it a provider assessment. Doing so would apply the tax to non-Medicaid managed care organizations, but allow local governments to continue to piggyback on it.

Director Keen said that proposal would increase the cost of health care for Ohioans with private plans.

"If we expand the sales tax to the non-Medicaid HMOs, it's a 7% increase in health care costs for Ohioans," he said. "We did not consider that a viable option."

The Democrats pushed for more investment in education. Rep. John Patterson (D-Jefferson) said the state should invest more in schools and in infrastructure in order to drive more job creation. He cited rural broadband development as one way to encourage businesses to move into more hard-hit areas of the state.

"If you were to talk to employers, what's the number one thing they need? Before they do anything, they need a well-educated workforce. And they need a healthy workforce," he said. "It's an educated workforce, it's a healthy workforce, and it's infrastructure development."

In general, Rep. Alicia Reece (D-Cincinnati) said the budget and the state's economic situation showed concerns with past policies.

"This is an economic wake-up call," she said. "We can't afford to prioritize the tax giveaways for the ultra-rich and expect a different result."

### Engineers Proposes Changes To Transportation Bill; Traffic Safety Advocate Seeks More Public Transit Funding

County engineers and a traffic safety advocate on Tuesday spoke about what they believe are needed changes in Gov. John Kasich's proposed transportation budget.

The county engineers told members of the House Finance Committee there's a need for additional funding to repair local transportation infrastructure. The panel heard separate criticisms regarding proposed increased investments in transportation technology.

Delaware County Engineer Chris Bauserman, testifying on behalf of the County Engineers Association of Ohio, said that counties have 26,859 bridges and 29,088 miles of urban and rural roadways to maintain. Maintaining that infrastructure is estimated to cost \$1.12 billion but total revenue is just \$450 million, creating a shortfall of 60%.

To close the gap, Mr. Bauserman offered several solutions, including allowing for a maximum \$15 increase in the vehicle registration permissive tax in any combination between the county, city and township levels.

"Prior to any township or municipal corporation receiving the percentage of revenue identified under the second \$5 license plate proposal, each eligible municipal corporation or township shall first pass a resolution requesting adoption of the motor vehicle license tax and forward a copy of that resolution to the board of commissioners within a specified period of time of being notified by the board of commissioners of their intent to adopt a resolution under the second \$5 motor vehicle license plate authority," he said during his testimony on the budget bill (HB 26). (Redbook)

Mr. Bauserman also proposed a reduction in the set-aside amount for the Ohio Public Works Commission's State Capital Improvement Program from 15% to 10%.

That, he said, would free up \$7.85 million for local governments.

Mr. Bauserman also suggested several efficiencies, including a new bridge inspection schedule, and asked that revenue generated from county weight enforcement actions be directed to counties for road and bridge projects. He also endorsed a proposal to move the collection of the Motor Fuel Tax to the rack. (See Gongwer Ohio Report, February 13, 2017)

Gallia County Engineer Brett Booth told members of the committee that he can replace just 40 bridges over a 10-year period, leaving the county 108 bridges behind schedule.

Mr. Booth suggested the state increase the 28-cent-per-gallon MFT. Each 1 cent increase would result in an additional \$83,000 to the county.

A new revenue stream could also be created by applying special fees on compressed natural gas vehicles, hybrids and electric cars.

"A major reason for the state governments' difficulty in maintaining funding is declining gas tax revenue, on which we relied heavily on to pay for transportation," he said in testimony. "This revenue has fallen substantially in real terms over the past decade as a result of changing driving habits and increased fuel efficiency. In addition, the federal and Ohio gas taxes remain at fixed per-gallon amounts, even as transportation construction costs increase."

Mr. Booth also proposed changing the formula for distributing the revenue generated by the sale of timber from federal lands and altering the definition of a bridge to match federal guidelines.

Rep. Jack Cera (D-Bellaire) asked if oil and natural gas production in the Wayne National Forest would provide any additional revenue for local infrastructure projects.

Mr. Booth said that some funding from mineral resource production is distributed locally, but it is not earmarked for road and bridge projects.

Rep. Scott Ryan (R-Newark) questioned the MFT distribution to counties, suggesting that it should be based on road mileage and the number of bridges.

Mr. Bauserman said that because of the way the funding is distributed, more populous counties rely more heavily on motor vehicle registration revenue while smaller counties are much more dependent on the MFT.

In addition, Mr. Booth spoke out against an amendment proposed by the Association of Professional Towers-Ohio that would provide a weight exemption for rotators, which can weigh up to 80,000 pounds. (See Gongwer Ohio Report, February 8, 2017)

On another issue addressed in the transportation bill, Sharon Montgomery, who told the panel that she has been a traffic safety advocate for the past 15 years, spoke out against a proposal to increase investment in transportation technology.

"Technological ways to redistribute traffic would have limited success. Studies show that when a road gains additional lanes, drivers who didn't use it before because of the congestion, then choose it because of the perceived reduced congestion, thus increasing the congestion," she said in testimony. "The only way to have fewer vehicles on the roads is to provide some way other than individual vehicles for travelers to get to their destinations."

Instead of relying on technology to improve congestion and safety, Ms. Montgomery told lawmakers they should invest in public transportation. (See Gongwer Ohio Report, February 7, 2017)

"I eagerly await the time when Ohio makes more use of public transit to solve a myriad of problems. Public transit can not only reduce congestion and increase safety, it can provide transportation for people who can't - or shouldn't (because of license suspensions, lack of insurance, or decreasing abilities) - drive, reduce harmful emissions in our air, and free up resources for police and courts to address other public safety problems," she said.

#### With Law Enforcement Support, House Panel Reports Bill Clarifying Cocaine Possession

A House panel on Tuesday amended and advanced a bill that seeks to restore statutory penalties for cocaine possession undone by a recent Ohio Supreme Court ruling.

The bill (HB 440), authored by Rep. Robert Cupp (Lima) and Rep. John Rogers (D-Mentor-on-the-Lake), aims to correct a December decision in which the court refined criminal law by determining state law was "unambiguous" regarding whether filler material could be counted when determining the amount of cocaine one possesses.

In that split decision, the court ruled in *State v. Gonzales* that the state must prove the actual weight of cocaine involved excluding filler material meets the statutory levels for crime sentencing. (See [Gongwer Ohio Report, December 23, 2016](#))

Proponents of the bill, who testified before the House Criminal Justice Committee Tuesday, said that was never the legislature's intent. The committee agreed, voting unanimously to advance the measure after adopting one amendment.

That amendment, offered by Rep. Jeff Rezabek (R-Clayton), adds additional language in an effort to further clarify the legislature's intent.

It does so by expressly stating the legislature is aware of the outcome in *State v. Gonzales* and that "it was not the intent of the General Assembly to require the state, in prosecuting cocaine offenses involving mixed substances, to prove that the weight of the cocaine meets the statutory threshold, excluding the weight of any filler materials used in the mixture."

The measure is scheduled for a House floor vote Wednesday. The bill includes an emergency clause to make it effective upon its signing by the governor.

Ohio Prosecuting Attorneys Association Executive Director John Murphy said the bill makes sense since cocaine is typically trafficked, sold and used with filler material.

"Cocaine sold at the retail level is almost never pure cocaine," he argued. The court ruling "means that all cocaine possession and trafficking cases, even those involving very large amounts, can today be prosecuted only as fifth degree felonies unless there is a quantitative analysis done to determine the amount of pure cocaine in the material."

Such analyses, he said, are cost prohibitive.

Dublin Police Chief Heinz von Eckartsberg, speaking for the Ohio Association of Chiefs of Police, urged quick action on the bill.

"This bill will help restore the ability of Ohio law enforcement to appropriately charge suspects who possess or traffic in cocaine based upon the law's tiered framework for increasing amounts of cocaine involved," he said. "The bill will also restore the deterrent effect of the original statute by providing increased penalties for dealers and traffickers based upon the amount of cocaine found in their possession."

[Attorney General Mike DeWine](#) submitted written proponent testimony. Conducting the analysis needed under the court's ruling, he said, would cost his Bureau of Criminal Investigations laboratories an initial startup cost of about \$725,000 along with an annual \$370,000 cost for supplies, training and salaries.

"BCI's labs are already seeing more and more drug evidence due to the opioid epidemic," he wrote. "The extreme burden cocaine quantification puts on laboratories throughout the state would increase the time it takes for law enforcement to identify dangerous drugs and apprehend the criminals who distribute them."

#### As Committee Discussion On Employment Discrimination Bill Resumes, So To Do Concerns

A reintroduced bill its sponsor said will marry Ohio and federal discrimination laws drew renewed skepticism from Democrats during its first hearing Tuesday.

The bill ([HB 230](#)) from [Rep. Bill Seitz](#) (R-Cincinnati) is similar his legislation that was poised to pass the Senate last year (SB268, 131<sup>st</sup> General Assembly) before the sponsor had it pulled to address objections from the Ohio Civil Rights Commission.

As it was last year, the goal of the bill continues to be modifying Ohio workplace discrimination laws to complement federal statutes and "create greater predictability," Rep. Seitz told members of the House Economic Development, Commerce & Labor Committee.



Bill Seitz

"House Bill 2 is necessary as it will maintain protections for Ohio employees from discrimination in the workplace while also increasing uniformity between state and federal discrimination laws and improving predictability, stability, and administrative efficiency for Ohio employers," Rep. Seitz said.

But committee Democrats expressed concern the proposal could negatively impact temporary and seasonal workers and shield supervisors who engage in discriminatory behavior from liability. They're some of the same concerns raised by the OCRC and the ACLU of Ohio regarding the previous Senate bill.

The bill was initially proposed by the Ohio Chamber of Commerce, which along with other business groups has argued it would reduce the cost of litigation and alleviate some human resources headaches due to redundancy.

Provisions include: shortening a six year statute of limitations for civil actions and OCRC complaints to one year; extending the timeframe to file civil rights complaints from 180 days to one year; stopping the clock on the statute of limitations on a civil court case when an OCRC claim is filed; eliminating individual supervisor liability for employment discrimination; permitting employers to raise affirmative defense in hostile work environmental harassment claims under certain circumstances; and making age discrimination cases uniform with other similar claims.

Rep. Seitz said several changes were made to the bill in response to concerns raised last year by the OCRC. They include:

- An increase from 30 days to 45 for an individual to voluntarily dismiss a charge at the OCRC and restart the clock on the statute of limitations in which to file a lawsuit.
- The restoration of a one-year requirement in which the OCRC must resolve employment cases - language inadvertently removed in the prior bill.
- The removal of "all language that could reasonably be construed as legislative intent to prohibit the consideration and collection of a person's membership to any protected class or 'any other criteria than qualifications of applicants'."
- Revisions ensuring all materials in an investigation dismissed as no probable cause are public record as soon as that determination is made. The previous bill made some records confidential in those cases.

Rep. Michele Lepore-Hagan (D-Youngstown) questioned whether the bill simply provides "protection for bullies in the workplace." She was referring to the bill's removal of manager or supervisor liability from employment discrimination claims.

"It's nothing of the kind," Rep. Seitz replied. "If you are a supervisor or manager you are not the employer. The employer remains fully liable under this bill for acts committed by any of their employers."

Responding further, Rep. Seitz said a supervisor or manager can still be sued for assault, defamation, emotional distress or other similar claims. Additionally, an employer could not escape liability by demoting a supervisor who harassed or discriminated against an employee, he said.

"The only thing you cannot do is sue the individual supervisor or manager for employment discrimination because, again I say, that person is not the employer," he said.

Rep. Thomas West (D-Canton) questioned the bill's definition of "employer," which is a state, political subdivision, or "person employing four or more persons within the state for each working day in each of 20 or

more calendar weeks in the current or preceding calendar year."

Wouldn't that language disproportionately affect temporary or seasonal workers? Rep. West asked.

Rep. Seitz said the language matches the current definition under federal law.

"So if I'm seasonal I have no civil right?" Rep. West said.

"You don't have civil rights under this bill; you don't have civil rights...under the current law," Rep. Seitz replied.

Rep. Michael Sheehy (D-Oregon) said moving the statute of limitations from six years to one year seems "fairly extreme" and requested information on how comparable states handle that issue. Rep. Seitz, promising to provide more information at a later time, said the statute in other states can range from 300 days to six years.

Rep. Alicia Reece (D-Cincinnati) said she was concerned the bill would exempt supervisors from employment discrimination liability.

"I'm concerned if we let that person off the hook, the supervisor, because that's really where the tensions are," she said.

Rep. Seitz reiterated that that person would still be susceptible to tort claims. He further argued that public sector managers and supervisors are already not liable for employment discrimination claims. "So why are we holding private sector individual managers and supervisors responsible when public sector managers and supervisors cannot be held responsible?" he asked.

#### Lawmakers Take Another Crack At Directing Dollars To School Upgrades, Tracking Student Residences

The new House Education and Career Readiness Committee on Thursday kicked off its work by reviewing bills aimed at better tracking charter school students' home districts and directing state funds toward school technology and safety upgrades.

Both measures are reintroductions of proposals unveiled last year, the latter having received General Assembly approval with changes that didn't result in the sponsors' intended outcome.

Rep. Steven Arndt's (R-Port Clinton) plan to allow schools that are low on the School Facilities Commission's priority funding list to receive dollars now for technology and safety upgrades has already received the governor's signature.

However, the version that was approved by lawmakers in lame duck was amended to give the OSFC permission to set up the new funding program by Dec. 31, 2017. The original language of that bill and of the latest iteration would require its creation.

"It's coming back again because of the pressing need," Rep. Arndt said.

Under the bill, school districts that apply for the funds would no longer be eligible to participate in OSFC's Classroom Facilities Assistance Program, he said. That means the state's long-term liability for school improvements could be reduced.

Rep. John Patterson (D-Jefferson) said he's worried that some schools will jump on the chance to get funding now, but find themselves in trouble later and no longer be eligible for CFAP money.

"I'm looking out for those districts who've been waiting and waiting," he said. "They may take the bait and end up being penalized down the road."

The sponsor said the schools in his district would be willing to forgo the current program money because it's unlikely to come any time soon and they aren't in need of facility upgrades.

School boards would be required to adopt a resolution stating that they'd be accepting safety and technology funding instead of facilities funding, he said. A supermajority vote of members would be required.

Districts that have already participated in the CFAP program would not be eligible to receive funding through the technology and safety program, Rep. Arndt said.

**Charter Schools:** The committee also considered a charter school enrollment bill ([HB 21](#)) sponsored by [Rep. Steve Hambley](#) (R-Brunswick) that would require charters to keep track of which districts students reside in so that state funds are allocated properly.

Current law requires districts to determine which students no longer live in their boundaries and notify charter schools of that information, he said. The community schools are then obligated to figure out those students' new residences.

Rep. Hambley said the process is problematic for districts that sometimes never interact with students, especially those who begin attending charter schools in kindergarten.

"(Districts) are rarely, if ever, in contact with the families and have no concrete way of knowing that the child still lives within the boundaries of the school district," he said. "Without this physical contact, the school district has no way of knowing if a student changes their residency."

"By requiring community schools to report this data, not only will the records of our students be more accurate, but we can also ensure that the public funding that follows the child comes from the appropriate public accounts," the sponsor added.

Democrat lawmakers applauded the bill, asking whether there is a process for districts to reclaim funds that they determine to have been misdirected. The sponsor said it's likely that errors can be fixed in the Educational Management Information System, resulting in payout corrections.

The proposal comes back around as lawmakers consider options for addressing animosity between charter and traditional schools related to funding. Under the current funding structure, dollars are redirected from districts where students would have otherwise attended to the charter schools they're enrolled in. (See [Gongwer Ohio Report, January 23, 2017](#))

### House Panel Advances Bill To Permit Casino Employee Gambling

The Casino Control Commission and a pair of casino employees on Tuesday urged members of a House panel to advance a bill to permit casino workers to gamble at casinos not affiliated with their employer.

And members of the House Criminal Justice Committee did just that, reporting the bill ([HB 32](#)) at the end of its second hearing and teeing it up for a House vote Wednesday.

It's an early victory for sponsor [Rep. Bill Seitz](#) (R-Cincinnati) who tried to get the same legislation across the finish line last General Assembly. In that case, the bill (SB265, 131<sup>st</sup> General Assembly) passed the Senate in December, leaving no time for the bill to be considered by the House.

Three witnesses testified on the bill, which received no committee debate before the vote.

Casino Control Commission Executive Director Matthew Schuler said the commission regularly hears complaints about the current law, which makes it a first-degree misdemeanor for a casino operator or employee to participate in casino gaming unrelated to their employment. That ban applies to gambling facilities across Ohio.

"Since the opening of the first casino nearly five years ago, individuals have expressed their displeasure both to the commission and the members of the General Assembly that the law unfairly requires casino employees to go

out of state in order to participate in casino gaming," Mr. Schuler said.

The bill specifies that the ban for casino employees applies only to the casino facility in which they work or an affiliated facility.

"By making this change, Ohio would be in alignment with our neighboring jurisdictions where this approach has proven fair and still maintains the integrity of casino gaming," Mr. Schuler said.

He said the commission has never seen a case in which employees from different casinos have colluded to cheat. He said he believes such an attempt would be difficult to successfully carry out.

David Rodrigo and Gary Wycuff, both employees of Hollywood Casino Columbus, testified before the committee in support of the legislation. Both had previously testified last year on the Senate bill.

Both said that in Nevada there is no prohibition placed on casino workers, who are free to gamble even at the casino at which they are employed.

"I am certainly not advocating that Ohio mirror Nevada," Mr. Rodrigo said. "I only bring up this example to show how far the other way some states govern their casino employees."

Pennsylvania started with a similar ban to Ohio's, the pair argued, only to later change the law in a way similar to this bill.

"Probably the most unfair part of this law is that Ohio has multiple racino establishments where their employees can not only go to other racinos for entertainment, but can also visit any one of Ohio's four casinos," Mr. Wycuff said. "This law is bordering on discriminatory to all the Ohio casino employees who wish to patronize our states casinos."

Mr. Wycuff called the bill a "small but necessary change that would help keep revenue in Ohio rather than driving it to other states."

#### Bill Would Require Certain Ratios Of Nurses To Patients In Some Hospital Settings

Legislation introduced in the Senate Tuesday would require hospitals to maintain specific levels of nursing coverage by establishing required patient-to-nurse ratios for certain types of care.

The bill (SB 552) is sponsored by Sen. Michael Skindell (D-Lakewood) and supported by National Nurses United.

The legislation mirrors a bill introduced by Sen. Skindell last session (SB324, 131<sup>st</sup> General Assembly). (See Gongwer Ohio Report, May 16, 2016)

Sen. Skindell said at a Statehouse news conference that requiring certain levels of nursing coverage would keep nurses from being stretched too thin and improve patient care.

"Patients in a hospital setting rely entirely on the nurses to get them through a traumatic experience. If nurses are overworked because management is forcing them to cover too many patients or working too long hours, something could go seriously wrong," he said.

NNU representative Michelle Mahon said similar legislation has been in place in California since 2004. "and no hospitals closed, no hospitals went bankrupt."

"There's no reason for compromise. The safe staffing legislation is working," she said.

The measure would set specific patient ratios for certain types of care, such as one-to-one ratios for patients in an operating room, trauma center or critical care unit, unstable newborns and patients requiring resuscitation. A

ratio of one nurse to three patients would be required for pediatric units and pregnant patients who are not in active labor, while a one-to-five ratio would be required in other situations, such as infants in nurseries.

The bill would also require a hospital-wide nursing care committee to establish ratio requirements at individual hospitals, and mandate that hospitals publicly post the ratios.

The legislation would also provide protections to nurses who refuse to follow policies they believe violate the legislation.

John Palmer, a spokesman for the Ohio Hospital Association, said the bill would place an undue burden on hospitals and remove the flexibility they have in allocating their workforce. Nurses have different skills, and hospitals should have the freedom to align those skills with the needs of patients without the burden of meeting statutory requirements, he said.

"It really is hospitals' intention to make sure that they are appropriately aligning that staffing to meet those needs of unique patients," he said. "The fixed ratios assume all nurses are simply interchangeable parts."

The state also has growing needs for health care providers, particularly with an aging population, and is facing a shortage of qualified staff, he said. "In our environment today we are experiencing a nursing shortage as well as a physician shortage. There's been a lot of focus on how do we address that challenge there."

Proponents of the bill said improving the workplace conditions for nurses would bring more back into the profession or back to work in hospitals.

"Here in the state of Ohio, there is no shortage of nurses. There is a shortage of nurses that are willing to work in the unsafe conditions that are in our hospitals," Ms. Mahon said. "There would be enough nurses if nursing was a profession that respected those who chose to embrace it."

#### OBM Releases Details, Projected Distributions Under Proposed New Local Government Fund Formula

The Office of Budget and Management has unveiled the numbers showing how the new "capacity-driven" formula for some local government fund distributions will work.

When fully phased in, the proposal would account for 20% of the LGF and would be distributed based on the individual tax capacity of the local governments. (See Gongwer Ohio Report, February 1, 2017)

OBM detailed how that new formula would work in a fact sheet. The formula would account for total funding, allocation of funds to five classes of subdivisions, and the formula used to distribute money among the subdivisions in each class.

The new funding system will be phased in under the governor's proposed budget, starting at 10% of the LGF in 2018, then 18% in 2019, rising to its maximum of 20% in 2020.

Revenue estimates predict the capacity-based part of the fund would receive \$38 million in 2018 and \$69 million in 2019.

OBM also released estimated distribution tables for 2018 and 2019 for cities, townships, counties and villages under the new model.

#### Health Plan Study: Managed Care Has Saved State Billions

Private sector managed care plans have saved the state considerable money and improved the quality of care, a study released Tuesday by the Ohio Association of Health Plans states.

The review, titled "The Impact of Private Industry on Public Health Care: How Managed Care is Reshaping Medicaid in Ohio," includes information on best practices, quality improvements, and cost savings the state has

realized by moving away from fee-for-service, according to the group.

"Ohio's health plans are helping the state Medicaid program achieve a standard of accountability and value-based care delivery that simply would not be possible under the old system," Miranda Motter, president and CEO of OAHP, said in a statement. "By linking quality to payment, the State of Ohio and its private sector partners are forging a Medicaid program based on long-term innovation and sustainability."

OAHP said the state's shift to more "person-centered, coordinated care" has resulted in several benefits.

- From 2013 - 2015, capitation rates paid to the Medicaid managed care plans were 8.9-11.3% (\$2.5-3.2 billion) lower than costs would have been for the same Medicaid beneficiaries under a fee-for-service model.
- Costs per prescription under managed care were 13.3% lower in 2015 than the collective average costs seen in states that have yet to carve-in such benefits.
- Ohio's Medicaid managed care plans scored higher than both the national and large state subgroup averages on the National Committee for Quality Assurance's 2016 - 2017 metrics.
- All of Ohio's Medicaid managed care plans have linked at least 20% of provider payments to "value-based arrangements" and are on pace to meet state requirements to have at least 50% of provider contracts tied to value by 2020.

"The partnership between private industry and the State relies on identifying creative strategies that drive better health outcomes for Ohioans, while also bringing about improved cost efficiency for Ohio's taxpayers," Ms. Motter said. "This report details the success of recent years and illustrates why Ohio should continue on this path to improving the quality of care for its Medicaid population."

Capitol Scene: Secaur Named ORP Executive Director; Former CIIC Chief Saul Joins Planned Parenthood

Ohio Republican Party Chairman Jane Timken on Tuesday announced the appointment of Rob Secaur as executive director.

Mr. Secaur most recently served as the Republican National Committee state director in Ohio. He previously served as campaign manager for U.S. Rep. Mike Turner (R-Dayton) in 2011 and as a field representative for ORP in 2010. His experience also includes campaign work in Michigan and Kentucky and in the office of U.S. Senate Majority Leader Mitch McConnell.

"Ohio Republicans will be well served by Rob's invaluable campaign and political experience," Chairman Timken said in a statement. "With critical election cycles ahead of us, I am confident that our new executive director will play a key role in maintaining record Republican majorities in the Buckeye State."

Mr. Secaur holds a master's degree in professional studies in political management from George Washington University and a bachelor's in political science from the University of Louisville. The Fort Thomas, KY native resides in Columbus.

**Planned Parenthood:** Planned Parenthood of Greater Ohio announced Tuesday it has named Joanna Saul as its vice president of government affairs and public advocacy.

Ms. Saul most recently served as executive director of the Correctional Institution Inspection Committee.

In the new role, she will be the organization's primary contact on legislative and regulatory issues. Ms. Saul earned a law degree from Georgetown University Law Center and a bachelor's from Ohio State University.

Supplemental Agency Calendar

## Friday, February 17

Canceled: ~~Southern Ohio Agricultural & Community Development Foundation, 100 S. High St., Hillsboro, 9:30 a.m.~~

## Friday, February 24

Southern Ohio Agricultural & Community Development Foundation, 100 S. High St., Hillsboro, 9:30 a.m. (The Economic Development Sub Committee will meet immediately after the full board meeting)

Supplemental Event Planner

## Wednesday, February 15

Marsy's Law for Ohio news conference, Ladies Gallery, Statehouse, Columbus, 10 a.m.

## Wednesday, March 15

Sen. Sean O'Brien (D-Hubbard) fundraiser, Claddagh Irish Pub, 585 S. Front St., Columbus, 5 p.m., (Host - \$2,000; Sponsor - \$1,000; Friend - \$500 to Committee to Elect Sean J O'Brien)

## Wednesday, April 26

Ohio Council of County Officials Legislative Reception, Statehouse Atrium, Columbus, 5 p.m.

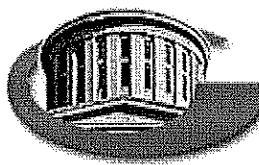
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## Senate Activity for Tuesday, February 14, 2017

### INTRODUCED

**SBUNCLAIMED FUNDS** (Williams, S.) Regarding payment to a registered finder of unclaimed funds. Am. 45 169.13 and 169.14

**SBROAD NAMING** (Williams, S.) To designate portions of United States Route 422 within the municipal 46 corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way." Am. 5534.60

**SBNONCOMPETE LANGUAGE** (Williams, S.) To prohibit the use of noncompete provisions in employment 47 contracts in the broadcasting industry. Am. 4113.66

**SBHEARING IMPAIRMENTS** (Williams, S.) To create a special license plate for hearing-impaired 48 individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial driver's license, or state-issued identification card of a hearing-impaired individual, if requested. Am. 4506.07, 4506.11, 4507.06, 4507.13, 4507.51, and 4507.52 and to enact section 4503.441

**SBEMPLOYMENT APPLICATIONS** (Williams, S.) To prohibit private employers from including on an 49 employment application any question concerning whether an applicant has been convicted of or pleaded guilty to a felony. Am. 4113.13

**SBOIL GAS LAWS** (Skinzell, M.) To prohibit land application and deep well injection of brine, to prohibit the 50 conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law. Am. 1509.01, 1509.02, 1509.03, 1509.05, 1509.06, 1509.08, 1509.21, 1509.22, 1509.222, 1509.223, 1509.224, and 1509.99, to enact section 1509.051, and to repeal section 1509.226

**SBLAKE ERIE** (Skinzell, M., Eklund, J.) To authorize the creation of a special improvement district to 51 facilitate Lake Erie shoreline improvement. Am. 1710.01 and 1710.02

**SBMARRIAGE CEREMONIES** (Skinzell, M.) To allow any person or entity that registers with the secretary 52 of state to solemnize marriages. Am. 3101.08, 3101.10, 3101.11, and 3101.12

**SBLAKE ERIE DRILLING** (Skinzell, M.) To ban the taking or removal of oil or natural gas from and under 53 the bed of Lake Erie. Am. 1505.07

### SENATE PRESIDENT'S APPOINTMENTS

Criminal Justice Recodification Committee: Appoint Sen. Huffman

### COMMITTEE HEARINGS

Local Government, Public Safety & Veterans Affairs

**SB DAY DESIGNATION** (Tavares, C.) To designate March 31 as "Cesar E. Chavez Day" in Ohio.  
**11** (CONTINUED; 1st Hearing-Sponsor)

Sen. Tavares told the panel the bill would recognize the efforts of Cesar Chavez, who made significant humanitarian contributions by organizing farm workers to secure fair wages, improve working conditions and outlaw child labor.

She said Mr. Chavez helped secure those improvements by mimicking nonviolent civil rights-style marches.

Sen. Terhar said Mr. Chavez did "wonderful things," but raised concerns that March 31 is already recognized as Vietnam Veterans Day in the state.

Sen. Tavares said selecting his birthday for the designation is in line with other states that have taken the step. She said she didn't feel one designation would overshadow the other.

**SB VEHICLE TRAFFIC** (Eklund, J.) To authorize counties to adopt resolutions regulating motor vehicle traffic on county and township roads. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said his proposal would permit counties to regulate vehicle traffic on local roadways the same way they did before the release of a 1993 Ohio Supreme Court decision that put an end to the practice.

Before the ruling, he said it was understood that counties had the authority, but the ruling determined that there was not an expressed grant of the power.

The measure, he said, seeks to address concerns about large, heavy, dangerous vehicles that may move through residential areas in an effort to get products from one area to another. He said the safety of many people - including children waiting for school buses - is at risk when certain "monster 18 wheel trucks" come down the roads.

After enactment, it would be clear that counties would be constrained by the constitution in the types of regulation they can implement.

Sen. Eklund added that the bill was also offered last session, when there was a "blizzard" of opposition that he expects to return this session.

He said those groups will likely argue that the change would create a costly patchwork of regulation. He suggested that the committee press opponents on safety-related issues.

**SB POLICE CHIEF TRAINING** (Hite, C.) To require the Ohio Peace Officer Training Commission to develop and conduct a chief of police training course for newly appointed village, city, and township chiefs of police.  
**37** (CONTINUED; 1st Hearing-Sponsor)

Sen. Hite said the bill would establish a training requirement for new Ohio police chiefs to make sure the officials have the skills they need to be effective, dynamic leaders.

He said many chiefs in large areas are properly trained, but said sometimes "in the boonies," a person might become a chief without having effective training.

The 40 hour course - which would have no registration costs - would be offered twice a year by the Ohio Peace Officer Training Commission, he said. Among other things, the course would include information on diversity training.

Sen. Hite added that chiefs moving to Ohio from other states would only need to take a 16-hour course.

Sen. Thomas said training is essential for police chiefs, and allows them to be on the same page in terms of the information they share with personnel.

Sen. Yuko and Sen. Hoagland expressed concerns about travel-related costs that would be borne by the local governments.

Sen. Hite said he was open to reviewing options that could reduce those costs.

**SBPROTECTION ORDERS (Bacon, K., Manning, G.)** To provide that service of a protection order or consent agreement upon a person is not necessary for the person to be convicted of the offense of violating a protection order if the person had actual notice of the order or agreement and the person recklessly violated its terms. (CONTINUED; 1st Hearing-Sponsor)

Sen. Bacon said the bill - another reintroduction from previous sessions - would enhance protection for domestic violence victims by reducing service requirements for those orders.

The measure, he said, stems from a case in which the Supreme Court voided a conviction of a man who had been shown - but not officially served - a protection order that had been issued against him.

He said the court may have gotten the law correct by applying the law, but said lawmakers should update the law to err on the side of protecting victims.

Sen. Bacon added that it's not uncommon for people to avoid service of protection orders by avoiding their primary residences or refusing to open doors.

**SCRIDENTIFICATION CARDS (Thomas, C.)** To urge municipal corporations throughout the state to adopt a Municipal Identification Card Program. (CONTINUED; 1st Hearing-Sponsor)

Sen. Thomas said his proposal would encourage the issuance of municipal identification cards that can be valuable to members of a community who face barriers in obtaining traditional identification cards.

Among those who would benefit, he said, are undocumented immigrants, senior citizens and the homeless. He said some of those communities fear contact with the government because they lack official documentation, but the cards could help them get in touch with programs that might be helpful.

He said the cost of the cards would vary based on how cities handle them, noting that Cincinnati's card is \$15.

He said the card wouldn't confer any new benefits that aren't currently available under law, but would help holders get involved in the fabric of their communities. He added that the cards would not include any travel-related privileges.

#### Insurance & Financial Institutions

**SB 24 LOAN ACT (Terhar, L.)** To create the Ohio Consumer Installment Loan Act. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Sen. Terhar said the proposal, identical to legislation introduced last session (HB598, 131<sup>st</sup> General Assembly), would ensure consumer installment loan lenders are licensed under code specific to what they do, rather than under the broad Ohio Mortgage Loan Act.

Consumer installment lenders mostly lend long-term installment loans, typically for more than 24-36 month and payable in equal monthly installments.

"The CILA will more accurately reflect the business of traditional installment lending and create a new code section clearly dedicated to that industry segment, eliminating confusion for borrowers and lenders alike, and simplifying the job of the industry regulators," he said.

Much of the new code will duplicate the OMLA, but it would indicate that CILA loans have to be for at least six months, be payable in equal monthly installments, have stricter limits on refinancing and must not be secured by real estate.

Sen. Terhar said the bill is part of a series of proposals to modernize the state's lending laws and clearly delineate in separate code sections the policies governing different kinds of loans.

Answering a question from Sen. Williams, the sponsor said, "The idea is to make sure that each of the lenders know what licenses they're supposed to have, what they may and may not do, and if they choose to come out with a different type of product, know that they have to come in under a different code to do it."

**SB BANKING LAW (Coley, B., Oelslager, S.)** For the purpose of enacting a new banking law for the State of **29** Ohio. (CONTINUED; 1st Hearing-Sponsor)

The bill, which is nearly identical to legislation passed by the Senate last session (SB317, 131<sup>st</sup> General Assembly) and which has partner legislation in the House (HB 35), would modernize the state's banking law, sponsor Sen. Coley said.

"Large parts of the current Ohio banking code are antiquated and have not been updated since the 1980s," around the time the first ATM was introduced, Sen. Coley said. "We've seen a lot of changes in banking and in money transmission since the days of that first teller machine, and Senate Bill 29 seeks to update the statute that needs to be modernized to promote and enhance safe and sound operations by FDIC insured depository institutions and provide a secure banking environment for Ohio consumers."

Among the changes, the bill would acknowledge electronic banking, require the Superintendent of Financial Institutions' pre-approval of amendments to a bank's articles of incorporation and eliminate the law governing Societies for Savings, Sen. Coley said.

The sponsor also said there have not been any significant changes to the bill since it was passed by the Senate last session, but that there might be some amendments he will bring before the committee.

#### Judiciary

**SB DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse, and to add lisdexamfetamine to the list of schedule II controlled substances.

(CONTINUED; 2nd Hearing-Proponent)

Wayne County Prosecutor Dan Lutz said the measure will allow law enforcement and the courts to better address fentanyl-related compounds, which are growing in popularity, as well as meth labs.

He told Sen. Skindell that individuals subject to the bill's penalties would have to knowingly possess fentanyl.

The lawmaker has raised concerns because individuals who are in possession of a large amount of a substance with only a trace amount of fentanyl could end up facing felonies as a result of the legislation's increased penalties.

There is currently no way to decipher how much of compound is made up of fentanyl, Mr. Lutz said. The substance can even be dangerous to test because one can overdose simply from touching it.

He told the panel that the bill "strikes a good balance" by setting fentanyl possession penalties at the same level as heroin to ensure that traffickers, and not addicts, end up facing charges.

Chillicothe Police Department Detective Derek Wallace shared similar sentiments, saying that, "If you have a drug that is 30 to 50 times more potent than another, there should be more potent penalties with possessing or trafficking the drug."

John Murphy, executive director of the Ohio Prosecuting Attorneys Association, also provided written proponent testimony.

**SBFELONY SENTENCES (Hackett, B.)** To require an additional prison term of 3 to 8 years for an offender **20** who is convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads **■** guilty to a specification that the victim suffered permanent disabling harm. (**CONTINUED; 2nd Hearing-Proponent**)

Eleven-year-old Destiny Shepard, who the bill was introduced in honor of, and her mother Randi appeared before the committee to ask for their support.

Ms. Shepard said her daughter has 90% brain damage from being shaken as a baby and doesn't have any hope of living a normal life.

She said her ex-boyfriend, who caused the trauma, would have been in prison longer had he been eligible for the specification proposed in the legislation.

Clark County Sheriff's Major Christopher Clark, whose office worked on the Shepard case, said it doesn't seem fair that attackers are living freely while their victims suffer lifelong issues.

He said that about 75% of children who are shaken survive and 80% of those suffer permanent disability.

"That's 780 small children per year that get issued life sentences at the hand of some vicious thugs that decided they want to abuse these children," Mr. Clark said.

OPAA Executive Director John Murphy also supported the bill. He told Sen. Eklund that it's unlikely the specification for permanent disability would be added to homicide or murder charges and that's not the intent of the bill.

Franklin County Prosecutor Ron O'Brien and Clark County Prosecutor Andrew Wilson also wrote in favor of the bill. Ohio Judicial Conference Executive Director Paul Pfeifer submitted written interested party testimony.

**SBPERRY COUNTY COURT (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington **25** on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the **■** judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (**AMENDED-REPORTED; 2nd Hearing-Proponent-Possible vote**)

Before a unanimous report, the committee accepted an amendment allowing members of the Ohio Criminal Justice Recodification Committee to continue serving after they're no longer officeholders.

Some members of the committee, Chairman Bacon said, have devoted considerable effort to the cause but held elected office terms that expired in December.

Perry County Court Judge Dean L. Wilson urged approval of the measure, which the upper chamber supported in the last General Assembly.

"Operating on a full-time basis as a municipal court with a full-time judgeship, cases would be able to be adjudicated in less time and the court would not struggle to meet the time constraints set forth by local and state rule," he said. "Further, court patrons would be able to have their issues resolved in a timely fashion which would result in less cost to the patron, swifter justice for victims, and more overall satisfaction."

He told Sen. Coley that there is also hope a new drug court will reduce some of the county's caseloads and jail costs.

There are currently 15 people in the drug court system that meet with judges between 6-8 p.m. for informal check-ins, he said.

**SB TRIAL TIMELINES (Eklund, J.)** To provide a prosecutor an additional fourteen days to commence a trial ~~32~~ after a person charged with a felony has been discharged because the person has not been brought to trial ~~32~~ within the required amount of time and to authorize the court to release the person from detention in connection with those charges pending trial. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said the bill would modify the state's speedy trial statute to ease penalties that he described as a "disproportionate."

Currently, charges - no matter how serious - must be dismissed with prejudice if a defendant is not brought to trial within the statutory time limit of 270 days, he said.

His bill would make the defendant eligible for discharge if the statutory time limit is exceeded, but the charges would not be dismissed and the state would be able to prosecute the defendant as long as the trial began within 14 days of the discharge.

"Current law has resulted in a miscarriage of justice in many cases where the defendant escapes liability for his criminal conduct simply because the trial date was mistakenly set beyond the statutory time limit," Sen. Eklund said. "This proposal will avoid the harsh consequences of what is usually an innocent and inconsequential violation of a statutory time limit."

**SB LAW ENFORCEMENT DATA (Eklund, J.)** To allow disclosure of information from the law enforcement ~~33~~ automated data system (LEADS) to a defendant in a traffic or criminal case. (CONTINUED; 1st Hearing-Sponsor)

Sen. Eklund said the legislation "will make it clear that a defendant has a right to see and have a copy of his or her traffic and criminal record during a traffic or criminal case."

The sponsor said he's come to learn that some prosecutors don't provide copies of records to defendants because of concerns about violating laws regarding the Law Enforcement Automated Data System.

"In order to properly represent a defendant it is necessary for defense counsel to have all the information so that a defense or plea can be appropriately pursued," Sen. Eklund said.

Giving defendants access to their own records could also bring to light errors that could arise from social security number typos and common names, he said.

**SB HUMAN TRAFFICKING (Kunze, S., Oelslager, S.)** To allow a person who is found not guilty of an ~~4~~ offense or who is the defendant named in a dismissed criminal charge to apply for a court order to expunge the person's official records in the case if the charge or not guilty finding was the result of the applicant having been a human trafficking victim, to allow a person convicted of certain prostitution-related offenses to apply for the expungement of the conviction record of any offense, other than a specified disqualifying offense, the person's participation in which was a result of having been a human trafficking victim, and to allow intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (CONTINUED; 2nd Hearing-Proponent)

Judge Paul Herbert, who runs Franklin County's widely known CATCH court that provides restorative justice to human trafficking victims, offered support for the measure.

He said women who've been coerced into sex trades have often been charged with other offenses, such as theft and drug possession, while being trafficked.

Current law allows them to file for expungement of their prostitution and related charges, but does not apply to other offenses committed in the same time frame.

Judge Herbert said he's looking forward to the bill becoming law so that he can reach back out to the women who continue to struggle with finding housing and jobs because of their records despite having charges removed

under trafficking expungement.

Felicia Snell, Gina Burris and Jennifer Kempton told the panel that they're among the women in the state who've had their trafficking charges removed from their records but are still unable to get certain licenses or jobs because of related charges.

"I am the founder and executive director of this rapidly growing organization which was built from the ground up. I am also a trusted educator, advocate, and motivational speaker, among other things," Survivor's Ink Founder Ms. Kempton said.

"However, despite what I have proven myself to be fully capable of, I wouldn't be able to walk into McDonald's and get a job running the cash register because my record says I'm a thieving drug addict. The expansion of the expungement law would not only enable me to do more, but provide a brighter future for me and my organization."

Tabitha M. Woodruff, legislative advocacy co-chair for the Central Ohio Rescue & Restore Coalition, also supported the measure through written testimony.

Health, Human Services & Medicaid

**SB DAY DESIGNATION (Terhar, L.)** To designate January 31 as "Omphalocele Awareness Day."

**23** (CONTINUED-AMENDED; 1st Hearing-Sponsor)

The committee adopted a technical amendment clarifying the code section offered by Chair Sen. Burke.

Sponsor Sen. Terhar said the bill would designate Jan. 31 as Omphalocele Awareness Day, raising awareness about the rare birth defect.

An omphalocele is a defect in the abdominal wall that happens when the infant's intestines, liver and sometimes other organs grow outside of the body and push into the navel, the sponsor said. The condition almost always requires surgery.

Small omphaloceles occur in about one in every 5,000 births, while large omphaloceles occur in one of every 10,000 births, Sen. Terhar said.

"Initial treatment for an omphalocele depends on how severe the condition is and whether there are any other associated conditions that take priority," he said. "If the baby has no additional conditions, treatment for the omphalocele may begin right away. If the baby also has a cardiac defect or poor lung development, these conditions may be addressed before the omphalocele. The baby's heart and lungs will need to be stabilized before any surgical treatment for the omphalocele can be attempted."

The sponsor said raising awareness of the condition would help more children live normal, healthy lives.

**SB MONTH DESIGNATION (Beagle, B.)** To designate the period beginning March 13 and ending April 15 as "Ohio Deaf History Month." (CONTINUED; 1st Hearing-Sponsor)

Sen. Beagle, the bill's sponsor, said the measure would establish March 13 through April 15 as Ohio Deaf History Month.

The sponsor said the time period was chosen to mark two moments - March 13, 1988, when I. Jordan King was chosen as the first deaf president of Gallaudet University, a school for the deaf and hard of hearing, and April 15, 1817, the establishment of the country's first permanent deaf school in Connecticut.

"Ohio Deaf History Month was brought to my attention by constituents affiliated with the Citizens of Deaf Cultures group who were seeking assistance to raise awareness about individuals who are deaf or hard of hearing and their proud history and culture," he said.

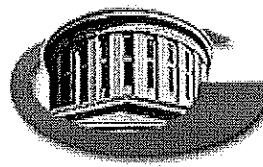
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## Daily Activity Planner for Wednesday, February 15

### Legislative Committees

**House Finance** ([Committee Record](#)) (Chr. Smith, R., 466-1366), Rm. 313, 9 a.m., [Webcast](#)

**HB TRANSPORTATION BUDGET** ([McColley, R.](#)) To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. (3rd Hearing-All testimony)

**House Transportation & Public Safety** ([Committee Record](#)) (Chr. Green, D., 644-6034), Rm. 017, 9 a.m.

**HB TRAFFIC SIGNALS** ([Koehler, K.](#)) To specify that the alternative protocol for proceeding into an intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles. (2nd Hearing-All testimony-Possible vote)

**HBROAD NAMING** ([Cera, J.](#)) To designate a portion of State Route 43 in Jefferson County as the "Army Corporal Carl H. Bernhart Memorial Highway." (2nd Hearing-All testimony-Possible vote)

**HBROAD NAMING** ([Hambley, S.](#)) To designate a portion of State Route 261 in Medina and Summit Counties as the "Sergeant James F. Allen III Memorial Highway." (2nd Hearing-All testimony-Possible vote)

**House Health** ([Committee Record](#)) (Chr. Huffman, S., 466-8114), Rm. 121, 9 a.m.

- Introduction of members, adopt committee rules, appoint committee secretary

**Senate Ways & Means** ([Committee Record](#)) (Chr. Eklund, J., 644-7718), South Hearing Rm., 9 a.m.

**SBSALES TAX HOLIDAY** ([Bacon, K.](#)) To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes. (1st Hearing-Sponsor)

**SBTAX CREDIT** ([Skindell, M.](#)) To remove the income restriction on the earned income tax credit and to make the credit refundable beginning in 2017. (1st Hearing-Sponsor)

**SBAGRICULTURAL LAND** ([Hite, C.](#)) To require that the computation of the capitalization rate for the purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (1st Hearing-Sponsor)

**Senate Government Oversight & Reform** ([Committee Record](#)) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 9:45 a.m.

**SBPRIMARY ELECTIONS** ([LaRose, F.](#)) To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (1st Hearing-Sponsor)

**SBDAY DESIGNATION** ([Thomas, C.](#)) To designate September 12 as "Jesse Owens Day." (1st Hearing-Sponsor)

**SBELECTION PROCEDURES** (Uecker, J.) To reduce the minimum number of precinct election officials in a ~~21~~ precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. (1st Hearing-Sponsor)

**SBABORTION** (Uecker, J.) Regarding final disposition of fetal remains from surgical abortions. (1st Hearing-~~28~~ Sponsor)

**House Insurance** (Committee Record) (Chr. Brinkman, T., 644-6886), Rm. 113, 10 a.m.

- Presentations from Ohio Department of Insurance, Ohio Association of Health Plans, Ohio Insurance Institute and Association of Ohio Life Insurance Companies

**Senate Rules & Reference** (Committee Record) (Chr. Obhof, L., 466-7505), Majority Conf. Rm., 11 a.m.

**House Session** (Committee Record) (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m., Webcast

**Senate Session** (Committee Record) (Chr. Obhof, L., 466-4900), Senate Chamber, 1:30 p.m., Webcast

**Senate Education** (Committee Record) (Chr. Lehner, P., 466-4538), South Hearing Rm., 3:15 p.m.

- Confirmation hearing on governor's appointments of Eric Poklar, Rebecca Vazquez-Skillings, Charlotte McGuire and Martha Manchester, State Board of Education

**SBSCHOOL TECHNOLOGY & SAFETY** (Gardner, R., Terhar, L.) To require the Ohio School Facilities ~~8~~ Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (1st Hearing-Sponsor)

**SBACADEMIC YEAR** (Manning, G.) To generally require public and chartered nonpublic schools to open for ~~34~~ instruction after Labor Day. (1st Hearing-Sponsor)

**House Finance: Agriculture, Development & Natural Resources Sub.** (Chr. Thompson, A., 644-8728), Rm. 018, 3:30 p.m.

- Budget testimony from Liquor Control Commission, Racing Commission, Sea Grant

**House Civil Justice** (Committee Record) (Chr. Butler, J., 644-6008), Rm. 113, 4 p.m.

**HBDATING PROTECTION ORDERS** (Sykes, E., Manning, N.) To authorize the issuance of dating violence ~~1~~ protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (1st Hearing-Sponsor & proponent)

**HBMEDICAL PROVIDER IMMUNITY** (Cupp, R.) To grant qualified civil immunity to certain medical ~~7~~ providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (1st Hearing-Sponsor)

**House Finance: State Government & Agency Review Sub. (Chr. Faber, K., 466-6344), Rm. 115, 4 p.m.**

- All testimony

**House Community & Family Advancement (Committee Record) (Chr. Ginter, T., 466-8022), Rm. 114, 4 p.m.**

**HB MARRIAGE CEREMONIES (Vitale, N.)** To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (2nd Hearing-Proponent)

Agency Calendar

**Casino Control Commission, State Room, Statehouse, Columbus, 10 a.m.**

**Construction Industry Licensing Board**, Division of Industrial Compliance, 6606 Tussing Road, OCILB Conference Room, Reynoldsburg, 10 a.m. (Administrative Section)

**Small Business Advisory Council**, 77 S. High Street, 31st Floor, Room East B, Columbus, 10 a.m.

**Broadcast Educational Media Commission**, Greater Columbus Convention Center, Room B142-B143, 400 N. High St., Columbus, 11 a.m.

**Graduation Requirements Workgroup**, 25 S. Front St., Columbus, 4 p.m.

Event Planner

**Marsy's Law for Ohio news conference**, Ladies Gallery, Statehouse, Columbus, 10 a.m.

**Rep. Jonathan Dever (R-Madeira) fundraiser**, Oliver's, 26 N. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Friends of Jonathan Dever)

**Ohio House Republican Organizing Committee fundraiser**, Capital Club, 41 S. High Street, Columbus, 5 p.m., (Chair: \$2,500; Host: \$1,000; Sponsor: \$500 to OHROC)

**Sen. Matt Huffman (R-Lima) fundraiser**, Athletic Club of Columbus, Gold Room, 136 East Broad Street, Columbus, 5 p.m., (\$2500 Chair | \$1000 Host | \$500 Sponsor | \$350 Attendee to Matt Huffman for Ohio)

**Ohio Aggregates and Industrial Minerals Association Legislative Reception**, Statehouse Atrium, Columbus, 5:30 p.m.

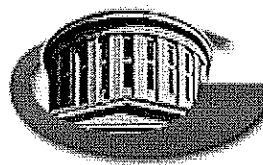
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## House Activity for Tuesday, February 14, 2017

### INTRODUCED

**HB SALES TAX** (Johnson, G., Kelly, B.) To exempt from sales tax the sale of tampons and other feminine hygiene products associated with menstruation. Am. 5739.02

**HB WATER QUALITY** (Patterson, J., Sheehy, M.) To require the Director of Agriculture to adopt rules establishing the Ohio Water Quality Improvement Program, to exempt land enrolled in the Program from taxation, and to reimburse local taxing units for revenue lost due to that exemption. Am. 321.24, 939.01, and 939.02 and to enact section 5709.30

**HB PRISON TERMS** (Hughes, J.) To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law." Am. 2903.11, 2929.01, 2929.13, and 2929.14 and to enact section 2941.1425

### REFERRED

#### Civil Justice:

**HB 52** DEED SOLICITATION (Rezabek, J.) To regulate the solicitation of certain deeds.

#### Community & Family Advancement:

**HB EBT CARDS** (Schaffer, T.) To establish requirements for electronic benefit transfer cards issued under the Supplemental Nutrition Assistance Program.

#### Criminal Justice:

**HB WAR RELICS** (Schaffer, T.) To prohibit a war relic that is located on public property or on the property of a cemetery association from being sold or otherwise disposed of, or destroyed, relocated, removed, altered, or otherwise disturbed, except under certain circumstances.

#### Economic Development, Commerce & Labor:

**HB 42 UNSAFE TIRES** (Sprague, R., DeVitis, T.) To prohibit the installation of unsafe used tires on certain motor vehicles.

### **Education & Career Readiness:**

**HB EXTRACURRICULAR ACTIVITIES** (Boccieri, J.) To enact the "Students to Soldiers Support Act 47 (S3A)" regarding the participation of students who are serving in the uniformed services in extracurricular activities at public and nonpublic schools and public and private colleges.

### **Finance:**

**HB UNION DUES** (Becker, J.) To remove any requirement under the Public Employees Collective Bargaining 53 Law that public employees join or pay dues to any employee organization, to prohibit public employers from requiring public employees to join or pay dues to any employee organization, to prohibit an employee organization from being required to represent public employees who are not members of the employee organization, and to make an appropriation.

### **Financial Institutions, Housing & Urban Development:**

**HB LIBRARY FUNDS** (Sprague, R.) To modify the qualifications regarding notes eligible for investment of 46 county inactive moneys and money in the public library fund.

### **Government Accountability & Oversight:**

**HB VOTER REGISTRATION** (Pelanda, D.) To modify the law concerning challenges to voter registrations, 41 the appointment of observers, and the procedures for processing absent voter's ballots and for casting absent voter's ballots in person.

### **Health:**

**HB 45 MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

### **State & Local Government:**

**HB SNOW REMOVAL** (Arndt, S., Gavarone, T.) To authorize certain townships to require the removal of snow 39 and ice from sidewalks abutting property.

**HB STATE SPENDING** (Dever, J., Greenspan, D.) To require the Treasurer of State to establish the Ohio State 40 Government Expenditure Database.

**HB DAY DESIGNATION** (Patmon, B.) To designate May 24 as First Responders' Appreciation Day.

**44**

**HB AGENCY REVIEWS** (Faber, K.) To require standing committees of the General Assembly to establish a schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review.

## **Transportation & Public Safety:**

**HB ROAD NAMING** (DeVitis, T.) To designate the portion of State Route 93 in New Franklin as the "PFC 43 Burt "Rusty" Miller Memorial Highway."

## **Ways & Means:**

**SB 22 TAX LAWS** (Peterson, B.) To expressly incorporate changes in the Internal Revenue Code since February 14, 2016, into Ohio law.

### COMMITTEE HEARINGS

#### Ways & Means

**HB TAX LAWS** (Scherer, G.) To expressly incorporate changes in the Internal Revenue Code since February 11, 2016, into Ohio law. (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

The bill was reported unanimously after sponsor Rep. Scherer recapped its provisions, which serve to align state law with federal changes impacting adjusted gross income for tax filing purposes.

Rep. Scherer reiterated the importance of a speedy processing of the bill, which could pick up an emergency clause on the floor. He said tax returns are already being prepared in anticipation of the changes.

### Financial Institutions, Housing & Urban Development

**HB BANKING LAW** (Hughes, J.) For the purpose of enacting a new banking law for the State of Ohio. 35 (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Hughes said the bill is nearly identical to legislation that passed the Senate last year (SB317, 131<sup>st</sup> General Assembly). The measure would constitute the first comprehensive update to the state's commercial bank statute since 1995, and much of the code dealing with banking hasn't been updated since the 1980s, he said.

"This legislation, if enacted into law, would increase regulatory robustness within the state banking regulator, the Ohio Division of Financial Institutions, by condensing three chapters of the ORC into one and creating a new 'universal' charter that combines the strongest characteristics of the existing charters," Rep. Hughes said. "This, combined with streamlined governing boards, would also decrease overhead costs of examinations and training."

Key changes include acknowledging electronic banking, referencing provisions of the General Corporation Law that are applicable to banks, expanding what is deemed privileged and confidential to include information obtained as a result of the supervision of a bank and providing for a capital restoration plan if a bank is undercapitalized.

Rep. Sprague asked whether the bill was brought up to deal with issues, a focus in Washington, regarding consumer financial protection. Rep. Hughes said the goal was to update the state's laws to be in line with modern banking practices.

"What this is doing is bringing it up to speed with regards to what the technology is, as well as updating the safeguards," he said. "The laws are good on the books, but they unfortunately haven't been updated with technology."

#### Finance

**HB TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to **26** transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to **■** provide authorization and conditions for the operation of those programs. (CONTINUED (See separate story); 2nd Hearing-All testimony)

**HB BIENNIAL BUDGET (Smith, R.)** To provide authorization and conditions for the operation of state **49** programs. (CONTINUED (Referred earlier to Finance; See separate story); 5th Hearing-Sponsor-Pending referral)

Subscriber's note: Full testimony is available on the [committee's website](#) under Feb.14.

#### Criminal Justice

**HB DRUG PRODUCTION (Blessing, L., Landis, A.)** To include recklessly causing, by means of fire or **19** explosion, physical harm to the offender's or another person's motor vehicle, house, building, or other **■** structure, or to any other property of another person, while manufacturing or attempting to manufacture a controlled substance, as a violation of the offense of arson. (CONTINUED; 1st Hearing-Sponsor)

Rep. Blessing, also speaking on behalf of cosponsor Rep. Landis, said a fire chief in his district broached the idea for the bill after a fire caused by methamphetamine manufacturing.

In that case, the prosecutor opted to pursue only a criminal manufacturing charge rather than an additional arson charge because of a lack of clarity in current law. In other areas of the state, prosecutors have applied both charges based on their own interpretation of the law, Rep. Blessing said.

"This bill will clarify that a person manufacturing a controlled substance can be charged with arson in addition to drug manufacturing charges when a fire or explosion occurs to property," Rep. Blessing said. "Property will be considered the offender's, or another person's, house, vehicle, building, or another structure."

A violation would be a first degree misdemeanor under the bill unless the value of the property harmed or physical harm caused is greater than \$1,000, in which case it would be a fourth degree felony.

**HB PRISON TERMS (Koehler, K.)** To require an additional prison term of 3 to 8 years for an offender who is **30** convicted of or pleads guilty to a felony offense of violence if the offender is convicted of or pleads guilty to **■** a specification that the victim suffered permanent disabling harm and that the victim was under 6 years of age at the time of the offense. (CONTINUED; 1st Hearing-Sponsor)

Rep. Koehler said the bill, dubbed "Destiny's Law," follows an assault 11 years ago against then one-year-old Destiny Shepard who was violently shaken and thrown against a wall by her mother's boyfriend.

Although the child, now 12 years old, suffers permanent disabling brain injuries, her assailant was only able to be sentenced for up to eight years in prison for felonious assault. He has since been released while Destiny serves a "life sentence" due to her injuries, Rep. Koehler said.

The bill - and its Senate companion (SB 20), which also received a first hearing Tuesday - would require the court to impose an additional mandatory prison term of between 3-8 years if an individual is convicted of or pleads guilty to a felony violence offense against a victim under the age of six. Permanent disabling injuries would also be taken into account.

"While we can often disagree on many issues in the Ohio General Assembly, one thing I believe we can all agree on is that we must protect the children of Ohio," Rep. Koehler said. "As you know, these crimes often involve

very young and vulnerable victims who are unable to protect themselves. Along with Sen. (Bob) Hackett, it is my hope that with this increased penalty we can prevent and help deter another tragic case like Destiny's."

Asked by Rep. Johnson where the threshold of six years old came from, Rep. Koehler said sponsors arrived at that number after considering child brain development and self defense abilities.

**HBCASINO EMPLOYEES** (Seitz, B.) To specify that the criminal penalty related to casino operators and ~~32~~ employees participating in casino gaming applies at their casino facility or an affiliated casino facility. **■ (REPORTED (See separate story); 2nd Hearing-All testimony-Possible vote)**

**HBCOCAINES OFFENSES** (Cupp, R., Rogers, J.) To provide that in determining the amount of cocaine for ~~4~~ trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency. **(REPORTED-AMENDED (See separate story); 2nd Hearing-All testimony-Possible amendments & vote)**

**HBCRIMINAL RECORDS** (Barnes, J.) To prohibit a person who publishes or disseminates criminal record ~~6~~ information from soliciting or accepting a fee to remove, correct, modify, or refrain from publishing or otherwise disseminating the information and to provide criminal and civil remedies for a violation of the prohibition. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Barnes asked members to imagine a constituent being arrested and not charged but losing out on job opportunities because the arrest information is on the Internet. Then the company that posted it wants a payment for its removal.

"When they publish that information it can ruin the reputation of individuals who were never charged and not convicted based on law," he said. "As legislators we have a responsibility to ensure the letter of the law is followed and not abused. There are abuses in this case and we hope HB6 can remedy those abuses."

In the mind of a potential employer, he argued, an arrest or mugshot can be virtually the same as a conviction.

"At the end of the day...our focus collectively is to try to help as many Ohioans gain gainful employment and advance the growth of the economy," he said. "This inhibits people's ability to get jobs if this information is false out there."

The bill is similar to Rep. Barnes's previous measure (HB172, 131<sup>st</sup> General Assembly), which passed the House last year and was amended and passed by the Senate. The House ultimately did not take a concurrence vote on the Senate version.

Rep. Johnson questioned whether the bill would unintentionally prevent clerks of court from charging expungement fees.

"I do understand the difference between sealing and expunging and this does not make it clear to me," she said. "But I understand your intent and I applaud it."

Rep. Barnes said he is willing to discuss the issue further but that he has received only support from clerks who have weighed in on the bill's drafting.

"We're not questioning whether the publishing of this information is right or wrong base on the arrest record," he replied. The bill instead targets "people who go out...and gather this data and use it for profit to harm people's reputation," he said.

**Subscribers Note:** For full testimony, see the committee's website under Feb. 14.

Economic Development, Commerce & Labor

**HB CIVIL RIGHTS LAWS** (Seitz, B.) To modify Ohio civil rights laws related to employment.

**2 (CONTINUED (See separate story); 1st Hearing-Sponsor)**

State & Local Government

**HB OFFICIAL STATE STRUCTURE (Gonzales, A.)** To designate the barn as the official historical  
**12 (CONTINUED; 1st Hearing-Sponsor)**

This legislation will designate the barn as an official historical architectural structure, Rep. Gonzales said in sponsor testimony.

The bill is the work of five students from the Westerville City Schools Gifted Education Program. These students felt strongly that the barn should be designated the official historical architectural structure of the state of Ohio, she said.

"I believe that it is important to cherish and preserve the architectural relics that are such an important part of our rural heritage," Rep. Gonzales said.

In response to Chairwoman Anielski's inquiry, Rep. Gonzales said that the barn would be the first architectural structure categorized as a historical structure in Ohio and that the eighth grade students who approached her intend to give testimony at a later hearing.

Rep. Perales commended Rep. Gonzales for her efforts to engage students.

**HB GOVERNMENT CONTRACTING (Cupp, R.)** To abolish the Government Contracting Advisory  
**31 (CONTINUED; 1st Hearing-Sponsor)**

This bill will abolish the Government Contracting Advisory Council that has become a useless exercise in bureaucracy, Rep. Cupp said in his testimony.

The Government Contracting Advisory Council has 21 members from the government and private sector who give input on the rules for government contracting.

Since its establishment in 2005, the council has met biennially to review rules that have been adopted. However, no business has ever been conducted at these meetings, he said.

"In theory, the council would provide useful guidance, but what may seem good in theory sometimes does not exist in reality. That's the situation here," Rep. Cupp said.

He said members have questioned the need for the council at each meeting, and have encouraged the abolishment of the body to save valuable time.

Rep. Bishoff said that often past errors are the rationales for current procedures and asked what the original reason was for creating the council in 2005.

Rep. Cupp responded that in 2005 there were problems with record keeping and contract solicitation. At the time, there was concern about how stringent regulations would be, so the Council was enacted to give input on the government rules. Since then, reasonable federal procedures have been adopted, so there is no need to review them by a council.

Rep. Goodman thanked Rep. Cupp for bringing a bill that is not in favor of "more government."

No direct monetary costs are associated with council meetings, rather the cost of valuable time, Rep. Cupp said in response to Rep. Perales' question.

As a member of the Council, the Director of Medicaid is required to present reports to the body. Given the potential changes to Medicaid, Rep. Boyd asked if now is a good time to abolish a mechanism that can help the legislature learn about the impact of those changes.

Rep. Cupp replied that the Joint Committee on Medicaid receives the majority of the reports, and he was unsure of how many reports were received by the council. At Rep. Boyd's request, he said that he would find out.

**HB PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and ~~34~~ other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (**CONTINUED**; 1st Hearing-Sponsor)

The legislation revises the requirements for county, local and state governments to send official notices via certified mail, sponsor Rep. Hambley said.

The purpose of certified mail is to provide an indisputable record that the notice was delivered or attempted to be delivered to the recipient.

Rep. Hambley said that many state, county and local governments have found this requirement to be a redundant and expensive method for verifying delivery.

In Cuyahoga County alone, 85% of certified mail notices are returned or undeliverable, he said. At \$5 per parcel, that amounts to \$500,000 per year.

The bill replaces the "certified mail" requirement with "either by certified mail or if the board has record of an internet identifier associated with the holder, by ordinary mail and by that internet identifier of record" for certain official notices, Rep. Hambley said.

Designating that an "internet identifier of record" should have been provided by the intended recipient addresses the due process issues that were raised by the last general assembly, he said.

"Let's allow our government agencies to save taxpayers money by using electronic mail and internet based communications under specific circumstances rather than rely primarily upon costlier certified mail services dating back to the 1950s to achieve the same purpose," Rep. Hambley said.

Chairwoman Anielski asked why there is no official estimate of the savings the bill would provide when there is one for Cuyahoga County.

Rep. Hambley replied that the bill gives discretion to local, county and state governments to choose to use certified mail or other methods for certain circumstances. So at this point it is difficult to quantify the savings.

Rep. O'Brien asked for clarification on when certified mail can be used and when it cannot.

The bill makes the certified mail requirement analogous to choosing how one prefers to receive a credit card bill, either online or by mail, Rep. Hambley clarified for Rep. O'Brien.

Rep. O'Brien asked how governments would be notified that a message was received when using methods other than certified mail.

There are various ways to document if a message has been received in addition to a lack of rejection, Rep. Hambley said. The expertise of IT departments will be necessary.

In response to Rep. Goodman's inquiry if a bill or state law exists that protects the privacy of emails, he said an email must be provided by the person/entity that is being served the official notice by email.

**HB MICROBUSINESSES** (Peland, D., Gavarone, T.) To create a statutory definition of "microbusiness." ~~5~~ (**CONTINUED**; 1st Hearing-Sponsor)

Microbusiness would be defined under the bill as an "independently owned and operated for-profit business entity, including any affiliates, that has fewer than 20 full-time employees or full-time equivalent employees and is located in this state," Rep. Peland explained in sponsor testimony.

She said the current definition of "small business" in state law covers enterprises with up to 400 workers, leaving a huge gap in terms of how the businesses are characterized for purposes of seeking loans and other interactions with governments. Under the Small Business Advisory Council definition small businesses are those with fewer than 500 employees.

"The reason for defining "Microbusiness" is to properly recognize that 97% of small businesses in Ohio (according to US Small Business Administration statistics) would fall under the verbiage created with this bill," Rep. Pelanda said. "Microbusinesses add value to our economy by creating jobs, enhancing income, strengthening purchasing power, lowering costs and adding business convenience, yet they typically have limited access to commercial lending."

The sponsor said that with a "formal recognition in the ORC as a first step, further actions can be taken in future legislation to address issues specific to this wide array of business entities in Ohio."

Rep. Gavarone added that the bill would allow for "future proposals to be introduced that could help these businesses to grow, hire more people, lower costs and increase the overall strength of the communities that they serve."

Chairwoman Anielski asked if smaller businesses were having trouble getting loans. Rep. Pelanda said that under the current definition they are going up against relatively large corporations with more resources, putting them at a disadvantage in that regard.

**Presentations to the Committee:** The County Commissioners Association of Ohio gave a presentation on the services provided by the organization to members of the General Assembly and county officials.

The organization works to provide county official with tools and information to provide citizens with efficient and effective county government, the representative said in the presentation.

The CCAO is an arm of state government at local and county level, delivering justice and public safety, child protective services, and maintaining roads and bridges, the representative said.

Following the CCAO, the Ohio Township Association presented on the services it offers to its members.

The OTA provides members with bimonthly magazines, multiple educational brochures about the importance of township government, and an annual conference with over 90 educational sessions and a trade show, the OTA representative said.

The group also works with local school districts and facilitates the Ohio Township Leadership Academy for local officials, she said.

A separate presentation was given about the Ohio Municipal League.

The Ohio Municipal League is a nonprofit organization that testifies before committees and suggests amendments on behalf of municipalities and members, said Kent Scarrett, executive director of OML. OML is a part of the national league of cities, and represents 733 of the 931 municipalities in Ohio, he said.

Mr. Scarrett told the committee that OML is very excited about its new Ohio Municipal Energy Aggregation Program and that it is an important time for the state to reengage in municipality infrastructure.

Rep. Boyd thanked Mr. Scarrett for the presentation and said that she had recently used information provided by OML for her district.

Education & Career Readiness

**HB COMMUNITY SCHOOLS (Hambley, S.)** Regarding verification of community school enrollments.  
**21 (CONTINUED (See separate story); 1st Hearing-Sponsor)**

**HBSCHOOL FACILITIES (Arndt, S.)** To require the Ohio School Facilities Commission to establish a 37 program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

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## NEWS

Kasich would block access to heroin death reviews (Cincinnati Enquirer, 2/15/2017)

Kasich: Teachers should job shadow with businesses to renew licenses (Cincinnati Enquirer, 2/15/2017)

Ohio Dems in limbo on governor's race (Cincinnati Enquirer, 2/15/2017)

Josh Mandel's Senate campaign names Portage County chairwoman -- but it's news to her (Cleveland Plain Dealer, 2/15/2017)

Ohio teachers would have to job shadow at a business to renew licenses under Gov. John Kasich's budget (Cleveland Plain Dealer, 2/15/2017)

**Sen. Rob Portman says he listened to fierce critics of Betsy DeVos but 'did my own research'** (Cleveland Plain Dealer, 2/15/2017)

**Superintendents: Cut state tests, end As and Fs on state report cards** (Cleveland Plain Dealer, 2/15/2017)

**Talk it out: Should Ohio become a 'right to work' state?** (Cleveland Plain Dealer, 2/15/2017)

**Are local resources enough to combat Ohio's opioid epidemic?** (Columbus Dispatch, 2/15/2017)

**Brown, Portman say Flynn made right decision to resign** (Columbus Dispatch, 2/15/2017)

**Latest study: Ohio-style Medicaid may save \$1B a year** (Columbus Dispatch, 2/15/2017)

**Most vocational schools would lose funding under Kasich proposal** (Columbus Dispatch, 2/15/2017)

**Ohio House Dems say GOP tax cuts aren't working** (Columbus Dispatch, 2/15/2017)

**Ohio nurses want law limiting nurse-patient ratios** (Columbus Dispatch, 2/15/2017)

**The Daily Briefing: Rob Secaur new executive director of Ohio GOP** (Columbus Dispatch, 2/15/2017)

**Trump may shrink EPA, but effects in Ohio to be delayed** (Columbus Dispatch, 2/15/2017)

**Cursive handwriting could be required for Ohio students again** (Dayton Daily News, 2/15/2017)

**New national security adviser a Dayton native** (Dayton Daily News, 2/15/2017)

**Ohio lawmakers react to resignation of Michael Flynn (Dayton Daily News, 2/15/2017)**

**Mandel lists campaign leaders for Senate bid (Toledo Blade, 2/15/2017)**

**Senators' registry bill moves forward (Toledo Blade, 2/15/2017)**

## EDITORIALS

**Bid to ban Ohio sanctuary cities a craven political ploy: editorial (Cleveland Plain Dealer, 2/15/2017)**

**'You're fired' (Toledo Blade, 2/15/2017)**

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**Community & Family Advancement**

**Finance: State Government & Agency Review Sub.**

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## House Activity for Wednesday, February 15, 2017

### INTRODUCED

**HBRECORD EXPUNGEMENT** (Schuring, K., Reece, A.) To provide for the expungement of official records related to the apprehension, arrest, criminal charging, or trial of a person based on mistaken identity. Am. 2953.51, 2953.52, 2953.53, 2953.54, 2953.55, and 2953.61.

**HBSANITARIAN REVIEWS** (Hill, B.) To require the Director of Agriculture and the Director of Health to adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. En. 3717.042.

**HTENURED FACULTY** (Young, R.) To require permanently tenured state university or college faculty members to teach at least three credit hours of undergraduate courses per semester. Am. 3345.45 and to enact section 3345.451.

**HBJUDGMENT CONFESSIONS** (Young, R.) To prohibit a person from obtaining a confession of judgment from another person except in connection with the settlement of a dispute. Am. 1337.53, 2323.12, and 2323.13 and to repeal sections 1907.09 and 2323.14.

**HBVOYEURISM** (Anielski, M.) To include an impaired person as a potential victim of voyeurism, to include conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance, and to prohibit an owner, operator, administrator, or employee of a care facility from creating, sharing, reproducing, or publishing any image of a care facility resident without a proper purpose and without prior written consent from the resident. Am. 2903.33, 2903.34, 2907.08, 2907.321, 2907.322, 2907.323, and 2929.13.

**HBTIF DISTRICTS** (Cupp, R.) To require reimbursement of certain township fire and emergency medical service levy revenue forgone because of the creation of a municipal tax increment financing district. Am. 5709.40.

**HBFUEL TAX DISPLAYS** (Merrin, D.) To enact the "Fuel Tax Transparency Act" requiring stickers to be placed on retail service station pumps displaying the rates of federal and state taxes applicable to gasoline and diesel fuel. En. 5735.50.

### PASSED

**HBCOCAINE OFFENSES** (Cupp, R., Rogers, J.) To provide that in determining the amount of cocaine for trafficking and possession offenses, it also includes a compound, mixture, preparation, or substance containing cocaine, and to declare an emergency.

EMERGENCY: 95-1 (Brinkman); BILL: 97-0

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**HB TAX LAWS (Scherer, G.)** To expressly incorporate changes in the Internal Revenue Code since February 14, **11** 2016, into Ohio law.

97-0

Gongwer Coverage

**HB CASINO EMPLOYEES (Seitz, B.)** To specify that the criminal penalty related to casino operators and **32** employees participating in casino gaming applies at their casino facility or an affiliated casino facility.

94-3 (Antani, Ginter, T. Johnson)

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COMMITTEE HEARINGS

Transportation & Public Safety

**HB ROAD NAMING (Cera, J.)** To designate a portion of State Route 43 in Jefferson County as the "Army **16** Corporal Carl H. Bernhart Memorial Highway." **(REPORTED (No testimony); 2nd Hearing-All testimony- Possible vote)**

**HB ROAD NAMING (Hambley, S.)** To designate a portion of State Route 261 in Medina and Summit Counties **22** as the "Sergeant James F. Allen III Memorial Highway." **(REPORTED; 2nd Hearing-All testimony-Possible vote)**

Asley Rae Yeager submitted written testimony in support. "The significance of having a memorial highway designated in his name would mean so much to me personally, his daughter Natalie, son Tristan, as well as friends, family, and military comrades," she wrote. "It will also stand as a daily encouragement to continue his legacy through goodwill and advocacy."

**HB TRAFFIC SIGNALS (Koehler, K.)** To specify that the alternative protocol for proceeding into an **9** intersection with malfunctioning traffic lights due to a failure of a vehicle detector applies only to bicycles. **(REPORTED; 2nd Hearing-All testimony-Possible vote)**

Sgt. Nick Konves, of the Columbus Police Bicycle Coordination Unit, testified in support, saying he became aware of the bill that passed last session (HB154, 131<sup>st</sup> General Assembly) after seeing news reports and was concerned that any type of vehicle could treat red lights as stop signs in certain instances. He cited "blind intersections," differences between stop signs and traffic signals at intersections and the potential for crashes at the crossroads.

He said the prior legislation, which allows vehicles to proceed through malfunctioning traffic signals, allows for too much discretion. "This makes enforcement and prosecution very difficult and nearly impossible," he said. "I have testified many times in various court systems during my career and I foresee this causing a big problem for prosecution."

Responding to a question from Rep. Michael Sheehy (D-Oregon), the witness said that under the bill a bicycle could still proceed through an untriggered traffic signal after a "reasonable amount of time."

Patricia Kovacs, of the Ohio Bicycle Federation, said the bill passed last session should stand and allow for all motor vehicles to proceed through malfunctioning traffic signals. At minimum, motorcycles should also be included because they face the same issues as bicycles, she said.

"This law should really apply to any vehicle," she said.

**Subscribers Note:** Full testimony is available on the committee's website under Feb. 15.

## Civil Justice

**HB DATING PROTECTION ORDERS** (Sykes, E., Manning, N.) To authorize the issuance of dating violence

protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order. (CONTINUED (See separate story); 1st Hearing-Sponsor & proponent)

**HB MEDICAL PROVIDER IMMUNITY** (Cupp, R.) To grant qualified civil immunity to certain medical

providers who provide emergency medical services as a result of a disaster; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to provide that medical bills itemizing charges are inadmissible as evidence and an amount accepted as full payment for medical services is admissible as evidence of the reasonableness of the charges; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide that any loss of a chance of recovery or survival by itself is not an injury, death, or loss for which damages may be recovered; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to require that governmental agencies that receive peer review committee records maintain their confidentiality; and to clarify the definition of "medical claim." (CONTINUED; 1st Hearing-Sponsor)

Rep. Robert Cupp (R-Lima) described his bill as the product of months of talks with the Ohio State Medical Association and the Ohio Hospital Association. The Ohio Association for Justice, however, is "not on board" with all of the bill's provisions, he acknowledged.

He said the bill would "fill in some of the gaps" in ten areas of existing medical malpractice tort law.

"An unfavorable medical liability climate can lead to expansive and expensive litigation, expensive and sometimes hard to obtain liability insurance, and a diminished supply of medical professionals to meet the needs of patients," he said. "Although the medical malpractice climate in Ohio has significantly improved in the past decade or so as a result of enactments by the General Assembly, there are several things which can further improve medical tort liability law and practice."

According to Rep. Cupp's overview, the bill would:

- Label communications from health care providers communicating error or fault to the list of inadmissible documentation.
- Reduce the need to sweep into the lawsuit unnecessary defendants.
- Permit a notice of intent to file a medical claim to be served by certified mail rather than in person.
- Abrogate the loss of chance theory of tort liability by restoring the "traditional concept of causation by abolishing the judicially-created loss of less than even chance of recovery theory of liability."
- Prevent insurance reimbursement policies from establishing a legal standard of care for medical tort liability.
- Correct existing language regarding nursing home plans of care by exempting hospitals and other providers from the language.
- Maintain the confidentiality of peer review records but clarify that they may be provided to regulators without losing confidential status.
- Prohibit the introduction of "phantom damages" into evidence.

- Provide limited immunity for certain healthcare providers or hospitals acting in good faith and in concert with professional standards when medically discharging a patient who has a mental health condition that may threaten the safety of the patient or others.
- Establish a different liability standard for medical care in the event of a widespread disaster event resulting in "widespread personal injury (or) loss of life that results from any natural or technological phenomenon or act of a human, or an epidemic."

Lawmakers raised several questions about the bill, including several focused on provisions labeling certain communications inadmissible and prohibiting the introduction of phantom damages into evidence.

Rep. Nicholas Celebreeze (D-Parma), for example, questioned whether it was within legislative purview to modify the rules of evidence. And Rep. Bill Seitz (R-Cincinnati) asked whether the phantom evidence provision might deter patients from seeking health insurance.

Rep. Kristin Boggs (D-Columbus) asked who or what would determine whether a disaster qualifies under the bill. Rep. Cupp said that area of the bill could use some extra defining, although his inclination is to allow the jury to decide.

**Subscribers Note:** For full testimony, see the committee's website under Feb. 15.

#### Finance

**HB TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs. (**CONTINUED (See separate story); 3rd Hearing-All testimony**)

**Subscribers Note:** Full testimony is available on the committee's website under Feb. 15.

#### Insurance

See separate story.

#### Health

The panel met briefly to accept the committee's rules for the new session and have members introduce themselves.

Chair Rep. Steve Huffman said the panel would not be meeting next week, and would not meet on Wednesday, April 5, the day after Gov. Kasich's State of the State address, which is scheduled to be held in Sandusky.

Finance: Agriculture, Development & Natural Resources Sub.

The panel started its budget review work with testimony from Sarah Creedon, executive director of the Liquor Control Commission. (Redbook)

"The Commission is an adjudicatory and rule-making agency that oversees Ohio's alcohol beverage industry. The agency's mission is to provide fair and impartial hearings to protect the public and the permit holders, and to ensure compliance with Ohio liquor laws and administrative rules," she said. "The agency also adopts and promulgates rules, standards, and requirements regarding alcohol sales in Ohio."

Ms. Creedon said the commission works with the Ohio Investigative Unit, the Attorney General's Office, the Division of Liquor Control, and the Department of Taxation to achieve its mission.

"The Division of Liquor Control is responsible for processing applications and issuing liquor permits. Permit holders can appeal division decisions rejecting liquor permit applications and renewals to the commission. As an

adjudicatory body, the commission functions as an administrative court with the same duties and obligations of any court," she explained.

The executive budget provides LCC with \$844,553 in Fiscal Year 2018, which is an 4% over estimated FY 2017 spending, and \$851,269 in FY 2019, which is an increase of 1% from the prior year. Ms. Creedon said the money for commission operations comes from a portion of liquor permit fee revenue.

"While the commission receives no GRF funding, the commission does contribute to the GRF by depositing all revenue it collects from financial forfeitures issued against permit holders for violations of Ohio's liquor laws and rules," she said. "In fiscal year 2016, the commission collected over \$1.2 million in financial fines and forfeitures and deposited those funds into the GRF. In the current fiscal year to date, over \$1 million was collected and deposited into the GRF."

Rep. Brigid Kelly (D-Cincinnati) asked about the impact of the growing craft brew industry on the panel. Ms. Creedon said that while permit requests have increased, she hasn't seen a related uptick in cases before the commission.

She similarly told Rep. Michael O'Brien (D-Warren) that she couldn't correlate a caseload increase because of the Investigative Unit's transfer to the Highway Patrol a few years ago.

Ms. Creedon told Rep. Kelly that the commission plans updates to its database and other improvements with the additional funds in the budget.

**Racing Commission:** Executive Director William Crawford briefed the committee on the operations of the commission, which regulates horseracing in the state. It also uses no GRF, and instead is funded through taxes on wagers, licensing fees, other fees and fines, and a small percentage of casino revenue, he said. (Redbook)

"The majority of the Racing Commission's expenditures are for subsidies to the horseracing industry in the form of additions to purses at live horse races as well as supplements to purses for Ohio horses that win races at Ohio tracks and other promotional expenses," he said. "Regulation expenses include administration expenses which also include officials and veterinarians as well as drug-testing expenses, expenses that relate to investigation, licensing and the enforcement of rules."

The commission's budget request is about \$32.3 million a year over the upcoming biennium. In addition to the five commission members, RAC currently staffs eight full-time and seven part-time positions, according to the Legislative Service Commission. The agency contracts with two stewards, two judges, and five veterinarians.

Chairman Rep. Andy Thompson (R-Marietta) asked if declining casino and VLT revenue, which makes up a big chunk of the agency's budget, has impacted its finances. Mr. Crawford said it has not done so considerably.

Rep. Kelly asked about efforts to ensure safety for riders and horses.

Mr. Crawford said the inspection of racing surfaces, which the commission oversees, is the main concern in that regard and that stewards watch races to make sure they are run safely.

He told Rep. O'Brien that stewards can cancel races when the temperature dips below a minus 10-degree wind chill factor or following consultation with jockeys and drivers.

Responding to the chairman, the witness said the commission spends about \$1.6 million a year on its drug testing program and investigating potential cheats is "a major concern of ours."

Racing Chairman Robert Schmitz briefly addressed the committee, explaining that the bulk of Ohio's racing industry is tied to Standardbreds and that with the installment of video lottery terminals at horse racetracks, has seen a resurgence after several years of declines.

A Standardbred breeder himself, Mr. Schmitz allowed that he bred his stock outside of Ohio for many years but now there's better breeding stock and other improvements due in part to increased funding from VLTs.

He said racing's impact to the state's agricultural industry is a "very, very big business."

**Sea Grant Program:** Christopher Winslow, director of the Ohio Sea Grant College Program, F.T. Stone Laboratory, and the Center for Lake Erie Area Research, testified in support of the program's budget and outlined its various education, research and outreach initiatives. ([Testimony](#))

The program receives just under \$300,000 a year in state funding, which is used to leverage federal grants. ([ODHE-Agriculture Redbook](#)) The director said the program draws down about \$10 from other sources for every dollar of state funding it receives.

"Historically, Ohio Sea Grant has managed 8-10 research projects annually (~\$480,000). However, since April of 2015, we have increased that research portfolio dramatically. We currently have 119 projects listed within OSU's Office of Sponsored Program's research database," Mr. Winslow said in prepared testimony.

"The program is currently managing \$5 million in funding from the Ohio Department of Higher Education (ODHE; \$4 million in two \$2 million allocations) and OSU's College of Food and Agricultural Sciences (Field to Faucet Initiative; \$1 million) to address Lake Erie harmful algal blooms."

Mr. Winslow said Ohio Sea Grant and Stone Laboratory "are exceptional programs and assets to the entire state."

"We solve environmental problems (more than 50 ongoing research projects), enhance the local economy (i.e., business retention and expansion programming), inform decision-makers, and improve the quality of science education in Ohio," he continued. "I would argue that since we first received funds in 1983, we have annually demonstrated that our line item is not a cost to Ohio, but a wise investment of valuable state funds."

Chairman Thompson lauded the public involvement promoted by the program and asked about invasive species.

The director said invasive mussels are "not going anywhere," and cited gobies as another example of non-native species that have infiltrated the Great Lakes. He said researchers are keeping an eye on four species of Asian carp, as they have made it up the Mississippi River drainage area to within 30 miles south of Lake Michigan.

Responding to questions about algae bloom research, he said the main source of nutrients that cause the problem can be traced to agriculture land management practices but that researchers aren't in the "finger-pointing" business. He said the group taps funds from two endowments to finance educational workshops for farmers on best practices in that regard.

Mr. Winslow also told members of the committee that he is working with donors to generate funding for equipment upgrades.

In response to a question from [Rep. Scott Lipps](#) (R-Franklin), he said buoys used for water quality research cost \$50,000-80,000 apiece.

#### Community & Family Advancement

**HBMARRIAGE CEREMONIES** ([Vitale, N.](#)) To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial. (**CONTINUED-AMENDED (See separate story); 2nd Hearing-Proponent**)

**Subscriber's note:** Full testimony is available on the [committee's website](#) under Feb. 15.

Finance: State Government & Agency Review Sub.

The subcommittee began its review with the Board of Embalmers and Funeral Directors. ([Redbook](#))

Tim Derickson, the board's director, testified that a significant issue the agency is facing is the increasing problems with pre-need funeral services, in which a person pays in advance for the service. Cash-strapped funeral service providers sometimes use that prepaid money, which is supposed to be saved until the service is needed, to meet their bottom line.

That trend causes an increase in the number of investigations and complaints, Director Derickson said, and the board is asking for more funding to add a staff member in two years to help with those investigations.

"To help solve this problem, I think this board needs a little help from what we're currently staffed at," he said.

He also said he expected legislation to be introduced this session with support from funeral home providers for a fee on pre-need services that would help cover costs of unmet pre-need services.

[Rep. Kirk Schuring](#) (R-Canton) suggested that legislation be introduced soon so it could be incorporated into the budget document, to avoid the board having expenses budgeted without the revenue to pay for them.

Chair [Rep. Keith Faber](#) (R-Celina) also discussed moving the money the board collects in fines to the General Revenue Fund, rather than returning it to the board, to avoid the appearance of the board fining businesses to meet its budget.

"If we were to make that transfer, you're going to need some additional revenue," Rep. Faber said.

The subcommittee also reviewed the Ohio Commission on Hispanic and Latino Affairs. ([Redbook](#)) Executive Director Lilleana Cavanaugh said the commission's increased budget needs stem mostly from insurance and operating costs.

Asked by Rep. Faber what the commission would do if it did not receive the extra \$50,000 asked for in the budget, Ms. Cavanaugh said it would have to move a full-time position, one of three, to part-time.

"What is important is to know that through our commission, we're able to provide these agencies with an understanding of the Latino community, the language, the culture, thus decreasing those gaps in communication and culture," she said.

The panel also heard testimony in support of the commission from others, including Claudia de Leon, president of the Hispanic Chamber of Columbus. Ms. de Leon said the commission serves a vital role in the community.

"The Commission on Latino Affairs is a major bridge into the Hispanic community as well as a valuable resource to the Hispanic community - from creating more awareness of how our government works and the services available to help them achieve their educational or personal goals to alerting us of incoming or ongoing legislation that could have an impact to our increasing Hispanic population in Ohio," she said.

Another board reviewed by the panel was the Sanitarian Registration Board ([Redbook](#)), which Executive Secretary Stephanie Youst said registers people who are responsible for testing drinking water, inspecting restaurants and performing other public health tasks.

The board proposed an increase in fees, which Ms. Youst said would help cover the increased costs of a new licensure system, rent, supplies and other items.

Ms. Youst said the board is necessary because it ensures public health departments and others have licensed, trained and qualified staff.

"The reason that you need sanitarian registration is sanitarians are responsible for protecting public health," she said.

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## Senate Activity for Wednesday, February 15, 2017

### INTRODUCED AND REFERRED

**SB SUMMER FOOD PROGRAMS** (Brown, E., Lehner, P.) To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions. Am. 3313.813

#### Government Oversight & Reform

**SB NURSE STAFFING** (Skindell, M.) To establish minimum ratios of direct-care registered nurses to patients in hospitals, to specify rights of registered nurses working in hospitals, and to prohibit retaliatory actions by hospitals against registered nurses. Am. 3727.50, 3727.51, 3727.52, and 3727.53 and to enact sections 3727.80 to 3727.88

#### Health, Human Services & Medicaid

**SB STEP THERAPY** (Lehner, P., Tavares, C.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. Am. 5167.12 and to enact sections 3901.82, 3901.821, 3901.822, 3901.823, 5164.7512, 5164.7513, and 5164.7514

#### Health, Human Services & Medicaid

**SCR CORPORATE PERSONHOOD** (Skindell, M.) To call on legislators at the state and federal level and other communities and jurisdictions to support an amendment to the United States Constitution that would abolish corporate personhood and the doctrine of money as speech.

#### Transportation, Commerce & Workforce

### INTRODUCED

**SB AWARENESS DAY** (Kunze, S.) To designate the seventeenth day of May as "Diffuse Intrinsic Pontine Glioma Awareness Day." Am. 5.291

**SCR BALLOT ARGUMENTS** (Peterson, B.) To delegate to the President of the Senate and the Speaker of the House of Representatives authority to designate groups of members to prepare arguments for and against amendments to the Ohio Constitution proposed by the General Assembly, a person or persons to prepare an argument for any law, section, or item submitted to the electors by referendum petition, and a person or persons to prepare an argument against any constitutional amendment proposed by initiative petition.

33-0

#### Gongwer Coverage

### PASSED

**SB PERRY COUNTY COURT** (Hottinger, J.) To create the Perry County Municipal Court in New Lexington

**25** on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

33-0; Emergency: 33-0

[Gongwer Coverage](#)

REFERRED

### **Education:**

**SB** **SCHOOL OPERATIONS** (Schiavoni, J.) Regarding community school operator contracts, the operation of **39** Internet- and computer-based community schools, and performance metrics for blended learning schools.

[Gongwer Coverage](#)

### **Energy & Natural Resources:**

**SB** **OIL GAS LAWS** (Skindell, M.) To prohibit land application and deep well injection of brine, to prohibit **50** the conversion of wells, and to eliminate the injection fee that is levied under the Oil and Gas Law.

**SB** **LAKE ERIE** (Skindell, M., Eklund, J.) To authorize the creation of a special improvement district to **51** facilitate Lake Erie shoreline improvement.

**SB** **LAKE ERIE DRILLING** (Skindell, M.) To ban the taking or removal of oil or natural gas from and under **53** the bed of Lake Erie.

### **Finance:**

**SB 45** **UNCLAIMED FUNDS** (Williams, S.) Regarding payment to a registered finder of unclaimed funds.

### **Government Oversight & Reform:**

**SB** **CAMPAIGN FINANCE** (LaRose, E.) To allow certain campaign committees and other entities to file **44** campaign finance statements electronically and to require the Secretary of State to make the information in those electronic statements available online.

### **Judiciary:**

**SB** **AGGRAVATED MURDER** (Eklund, J., Williams, S.) To provide that a person convicted of aggravated

**40** murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

**SB TESTIMONIAL PRIVILEGE (Eklund, J.)** To provide generally a testimonial privilege for **41** communications between a qualified advocate rendering advocacy services and a victim of sexual violence, menacing by stalking, or domestic violence, to exempt the nondisclosure of that privileged communication from the offense of failure to report a crime, to require a qualified advocate to report knowledge or reasonable suspicion of child abuse or neglect of the victim except for privileged communications, and to specify circumstances in which the victim is considered to have waived the privilege.

**SB DRUG OFFENSES (Eklund, J.)** To expressly provide that drug offense penalties that refer to a particular **42** type of drug also apply to a compound, mixture, preparation, or substance containing a detectable amount of **43** that drug and to declare an emergency.

### **Local Government, Public Safety & Veterans Affairs:**

**SB BUILDING CODES (Bacon, K.)** To enable limited home rule townships to adopt building codes regardless **43** of any similar codes adopted by the county in which the township resides.

**SB HEARING IMPAIRMENTS (Williams, S.)** To create a special license plate for hearing-impaired **48** individuals and to require the Registrar to include an identifying symbol on a driver's license, commercial **49** driver's license, or state-issued identification card of a hearing-impaired individual, if requested.

**SB MARRIAGE CEREMONIES (Skindell, M.)** To allow any person or entity that registers with the secretary **52** of state to solemnize marriages.

### **Transportation, Commerce & Workforce:**

**SB ROAD NAMING (Williams, S.)** To designate portions of United States Route 422 within the municipal **46** corporations of Cleveland and Youngstown as the "Arnold R. Pinkney Memorial Way."

**SB NONCOMPETE LANGUAGE (Williams, S.)** To prohibit the use of noncompete provisions in **47** employment contracts in the broadcasting industry.

**SB EMPLOYMENT APPLICATIONS (Williams, S.)** To prohibit private employers from including on an **49** employment application any question concerning whether an applicant has been convicted of or pleaded **50** guilty to a felony.

### **COMMITTEE HEARINGS**

#### **Ways & Means**

**SB TAX CREDIT (Skindell, M.)** To remove the income restriction on the earned income tax credit and to **35** make the credit refundable beginning in 2017. (CONTINUED; 1st Hearing-Sponsor)

Sen. Michael Skindell (D-Lakewood) said the bill is the same as his previous effort to make the Earned Income Tax Credit refundable and remove current credit income restrictions (SB21, 131<sup>st</sup> General Assembly).

Ohio's current EITC equals about 10% of the federal EITC, he said. For those with adjusted gross incomes exceeding \$20,000, the credit is capped at 50% of tax due. The legislation would remove that cap.

Sen. Skindell said reducing that cap and making the credit refundable will "go a long way in reducing Ohio's poverty rate." He added that 26 states have EITCs that are refundable.

"A state refundable EITC is targeted to help low to moderate income working individuals and families," he said. "A refundable state EITC would have a significant impact on the long term economic well-being of our low income wage earners and our local and state economy."

Sen. Peggy Lehner (R-Kettering) questioned how many Ohioans were able take advantage of the credit last tax year. She asked whether she is correct in observing that the bill would benefit those with lower incomes who would not have much of a tax liability in the first place.

"Absolutely, and that's why we want to make it nonrefundable and remove those restrictions," Sen. Skindell replied, adding that a lower tax burden frees up money for clothing or other essentials for those low-income families.

Responding to further questions, Sen. Skindell said the Legislative Services Commission analysis of his bill last year indicated the total cost of the proposal would be around \$180 million. In the eight legislative sessions he's been pushing for the change, he said that number has been fairly stable.

**SBAGRICULTURAL LAND (Hite, C.)** To require that the computation of the capitalization rate for the ~~36~~ purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

**SBSALES TAX HOLIDAY (Bacon, K.)** To provide for a three-day sales tax "holiday" in August 2017 during ~~9~~ which sales of clothing and school supplies are exempt from sales and use taxes. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Kevin Bacon (R-Minerva Park) said his bill is the same as one he introduced last year that would institute a one-year sales tax holiday during the first weekend in August. (SB264, 131<sup>st</sup> General Assembly)

Although the sponsor said he still envisions a bill enacting a permanent annual holiday, he said he opted again for the one-time approach after it helped garner legislative and administrative support last session.

Once again the bill would create a three-day sales tax exemption on clothing items up to \$75 and on school supplies costing \$20 or less per item.

"Many of you may recall the first two sales tax holidays which were passed during the 131<sup>st</sup> General Assembly," he told the committee. "These events were highly advertised in every part of the state and very popular with Ohio residents. My office received letters of support from students, businesses, and educators following the first two sales tax holidays."

He again touted a study from the University of Cincinnati that determined the 2015 holiday landed the state \$4.7 million in additional revenue. He said the university is once again compiling a study of the 2016 holiday that will be shared with the committee upon completion.

Chairman Sen. John Eklund (R-Chardon) said it would be "extraordinarily helpful" to receive that report by Feb. 21, although Sen. Bacon expressed doubt about that timeline. Sen. Sean O'Brien (D-Hubbard) requested the

study include, if possible, a breakdown of the impact on counties bordering Pennsylvania, which has no sales tax on clothing items.

Sen. Sandra Williams (D-Cleveland) questioned why the Kasich administration has yet to endorse the sales tax holiday as an annual event.

Sen. Bacon replied that in his conversations with the administration, the governor's staff is committed to using the most conservative form of budgeting. The administration was supportive of both previous one-off holidays, he said, "and we are hoping they will be again."

**Subscribers Note:** For full testimony, see the committee's website under Feb. 15.

#### Government Oversight & Reform

**SB PRIMARY ELECTIONS** (LaRose, E.) To expand the circumstances under which a board of elections or ~~10~~ the secretary of state is not required to hold a primary election. (CONTINUED; 1st Hearing-Sponsor)

The bill's sponsor, Sen. Frank LaRose (R-Hudson), said it would eliminate the need for primary elections when only one candidate qualified for the ballot.

"I call this the superfluous primaries bill. This is that bill that is meant to address that rare situation where there is only one candidate on the ballot and we are forced to hold an election," he said.

The bill stems from a problem in which a special election is needed, costing taxpayers hundreds of thousands of dollars, for a race that has already been decided, he said.

"The fix to this is simple," he said. "We trigger the need for an election on how many candidates are certified for the ballot, not how many candidates file petitions for the ballot."

Sen. Edna Brown (D-Toledo) asked if it would apply if a candidate dropped out, leaving only one remaining.

"Essentially what this comes down to, if there's only one candidate left, then there's no need to hold an election," Sen. LaRose said.

**SB 18 DAY DESIGNATION** (Thomas, C.) To designate September 12 as "Jesse Owens Day." (CONTINUED; ~~1~~ 1st Hearing-Sponsor)

The bill would designate Sept. 12 as Jesse Owens Day, sponsor Sen. Cecil Thomas (D-Cincinnati) said. He was inspired after seeing the movie "Race" and learning that Jesse Owens was from Ohio.

Mr. Owens, who was born in Alabama, grew up in Cleveland and attended the Ohio State University, is best known for winning a record eight NCAA championships on the track in college and winning four gold medals at the 1936 Olympics in Berlin.

"Jesse Owens is remembered as an ambassador for American ideals, both at home and abroad," Sen. Thomas said. "While his incredible athleticism is impressive on its own accord, his legacy is all the more noteworthy because of the character he showed in the face of bigotry. Recognizing Jesse Owens on his birthday - September 12 - is a fitting tribute for one of Ohio's greatest native sons."

**SBELECTION PROCEDURES** (Uecker, J.) To reduce the minimum number of precinct election officials in a ~~21~~ precinct in which electronic pollbooks are used and to eliminate the requirement that a board of elections ~~1~~ send a notice to a person's residence address when the board cancels the person's voter registration because it received a report of the person's death. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**SB ABORTION** (Uecker, J.) Regarding final disposition of fetal remains from surgical abortions. ~~28~~ (CONTINUED (See separate story); 1st Hearing-Sponsor)

## Education

**SB ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open **34** for instruction after Labor Day. (CONTINUED (See separate story); 1st Hearing-Sponsor)

**SBSCHOOL TECHNOLOGY & SAFETY (Gardner, R., Terhar, L.)** To require the Ohio School Facilities **8** Commission to establish a program assisting school districts in purchasing technology and making physical alterations to improve technology infrastructure and school safety and security. (CONTINUED (See separate story); 1st Hearing-Sponsor)

Without discussion, the committee confirmed the governor's appointments of Eric Poklar, Rebecca Vasquez Skillings, Charlotte McGuire and Martha Manchester to the State Board of Education.

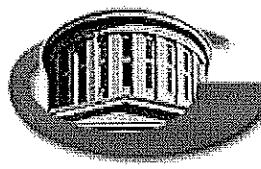
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## Daily Activity Planner for Thursday, February 16

### Legislative Committees

**House Finance: State Government & Agency Review Sub.** (Chr. Faber, K., 466-6344), Rm. 121, 9 a.m.

- Budget testimony from Optical Dispensers Board, Optometry Board, Dietetics Board, and Public Testimony.

**House State & Local Government** (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 116, 9 a.m.

**HB MICROBUSINESSES** (Pelanda, D., Gavarone, T.) To create a statutory definition of "microbusiness." (2nd 5 Hearing-All testimony)

**HB OFFICIAL STATE STRUCTURE** (Gonzales, A.) To designate the barn as the official historical 12 architectural structure of the state. (2nd Hearing-All testimony)

**HB GOVERNMENT CONTRACTING** (Cupp, R.) To abolish the Government Contracting Advisory Council. 31 (2nd Hearing-All testimony)

**HB PUBLIC NOTICES** (Hambley, S., Ryan, S.) To authorize certain state agencies, local governments, and 34 other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (2nd Hearing-All testimony)

**House Finance: Agriculture, Development & Natural Resources Sub.** (Chr. Thompson, A., 644-8728), Rm. 018, 9 a.m.

- Budget testimony from OARDC and OSU Extension, Petroleum Underground Storage Tank Release Compensation Board, Environmental Review Appeals Commission and Consumers' Counsel

**Joint Medicaid Oversight Committee** (Committee Record) (Chr. Huffman, S., 466-7584), Finance Hearing Rm., 9 a.m.

- Expansion Population - Ohio Medicaid Group VIII Assessment by Barbara Sears, Director, Ohio Department of Medicaid

**Joint Education Oversight Committee** (Committee Record) (Chr. Hite, C., 466-8150), South Hearing Rm., 9:30 a.m.

- Presentation from Superintendent of Public Instruction Paolo DeMaria on Ohio's Draft Accountability Plan for the Federal Every Student Succeeds Act.

**House Aging & Long Term Care** (Committee Record) (Chr. Arndt, S., 644-6011), Rm. 113, 10 a.m.

- Presentations by the Ohio Department of Aging and Ohio Department of Job & Family Services

**House Finance: Higher Education Sub.** (Chr. Perales, R., 644-6020), Ohio History Center, 800 E. 17th Ave., Cardinal Classroom, Columbus, 12 p.m.

- Budget testimony from Ohio History Connection, Ohioana Library Board, Ohioana Library Association

#### Agency Calendar

**State Teachers Retirement System**, 275 E. Broad St., Columbus, 8 a.m.

**School Employees Retirement System**, 300 E. Broad St., Columbus, 8:30 a.m.

~~Canceled: Real Estate Appraiser Board, 77 South High Street, 22nd Floor, Columbus, 9:30 a.m.~~

**Children's Trust Fund**, 77 South High Street, 31st Floor, Room East B, Columbus, 10 a.m.

**Tuition Trust Authority**, 77 S. High St., 31st Fl., West B&C, Columbus, 10 a.m.

#### Event Planner

No events scheduled.

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7/23/2018

Gmail - Ohio Media Clips, Thursday, February 16



Sarah LaTourette Kayser <latourtsm@gmail.com>

## Ohio Media Clips, Thursday, February 16

1 message

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## NEWS

**Ohio bill: Kill the tampon tax (Cincinnati Enquirer, 2/16/2017)**

**Andrew Puzder, Trump's Cleveland-born labor secretary nominee, withdraws amid controversy (Cleveland Plain Dealer, 2/16/2017)**

**Gov. John Kasich headed for Germany, England (Cleveland Plain Dealer, 2/16/2017)**

**Marsy's Law for Ohio begins campaign for crime victim ballot initiative (Cleveland Plain Dealer, 2/16/2017)**

**Ohio congress members Marcia Fudge, Tim Ryan back Jaime Harrison of SC for DNC chair (Cleveland Plain Dealer, 2/16/2017)**

**Talk it out: Should Ohio become a 'right to work' state? (Cleveland Plain Dealer, 2/16/2017)**

**Sherrod Brown, 10 other senators, call for special investigation of Flynn (Columbus Dispatch, 2/16/2017)**

**Sherrod Brown, Ohio labor leader glad that Puzder withdrew (Columbus Dispatch, 2/16/2017)**

**The Daily Briefing: It's official, Portman supports Gorsuch for Supreme Court (Columbus Dispatch, 2/16/2017)**

**The Daily Briefing: Kasich talking security, jobs in Germany, United Kingdom (Columbus Dispatch, 2/16/2017)**

**Crime victims seek more rights and protections in Ohio constitution (Dayton Daily News, 2/16/2017)**

**Ohio working on marijuana 'seed to sale' tracking (Dayton Daily News, 2/16/2017)**

**Should Ohio schools start after Labor Day? (Dayton Daily News, 2/16/2017)**

**Some speed limits in Ohio may change daily depending on traffic (Dayton Daily News, 2/16/2017)**

**Ohio clears wording of cocaine sentencing (Toledo Blade, 2/16/2017)**

## EDITORIALS

**Trump, Flynn and the Russian link (Akron Beacon Journal, 2/16/2017)**

**Editorial: Enrollment drop is real problem (Columbus Dispatch, 2/16/2017)**

7/23/2018

Gmail - Ohio Media Clips, Thursday, February 16

**Escaping DeVos (Toledo Blade, 2/16/2017)**

**We owe them (Toledo Blade, 2/16/2017)**

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## Pension Fiction is Threatening Your State's Budget

1 message

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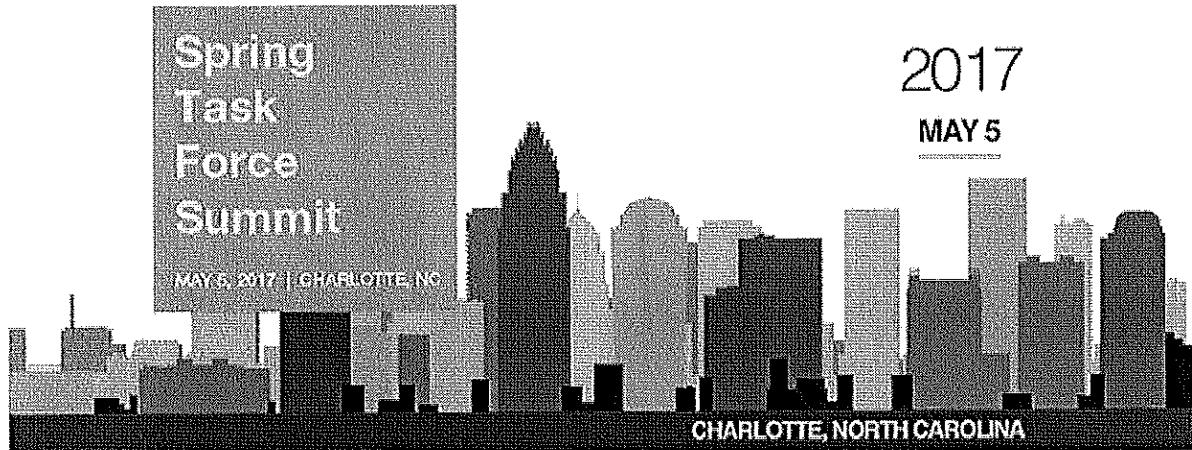
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February 21, 2017

[Center for State Fiscal Reform](#)



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**Featured Article: Pension Fiction Threatens State Budgets in the Coming Year**

Jonathan Williams | [@Taxeconomist](#)



Vice President of the Center for State Fiscal Reform, Jonathan William's State of the State was published in Tax Analysts . In this look into 2017, Williams discusses how underfunded pension liabilities and unrealistic state assumptions about pension reform rates of return continue to be a significant threat to state budgets and taxpayers.

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## Expert Report

### The Williams Report: State Budgets

Bob Williams | Senior Fellow



NEW REPORT: Released February 17, by the ALEC Center for State Fiscal Reform. ALEC Senior Fellow Bob Williams, provides a run down of the latest budgets and moves for pension reform in the states.

[Click Here to Read More](#)



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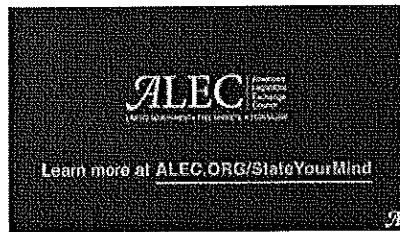
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## Events Update

### State Your Mind - ALEC Takes CPAC 2017



If you have constituents coming to CPAC this week, tell them to stop by the ALEC booth to "state their mind". Click below to view the ALEC State Your Mind promotional video.

[Click Here to State Your Mind](#)



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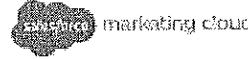
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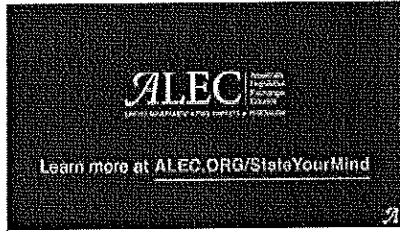
#### ALEC - FreedomWorks Legislator of the Week

Senator Leah Vukmir is a first-generation Wisconsinite and is currently serving her second term representing the 5th Senate District as the Assistant Majority Leader for the Wisconsin State Senate. She graduated from Marquette University with a degree in nursing and earned her Master's degree from the University of Wisconsin – Madison. Click below for the full bio.

[Click Here for Full Bio](#)

### Event Update

#### State Your Mind - ALEC Takes CPAC



ALEC staff will be set up at CPAC this week, to spread the importance of states rights and to find out what issues matter most to your younger constituents. Click below to find out more.

[Click Here to Find Out More](#)

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### Education Update

#### Effective Elected - With Speaker Newt Gingrich

Are you an effective legislator? Learn how to create measurable

success for your state through the Effective Elected program. Click below to enroll today.



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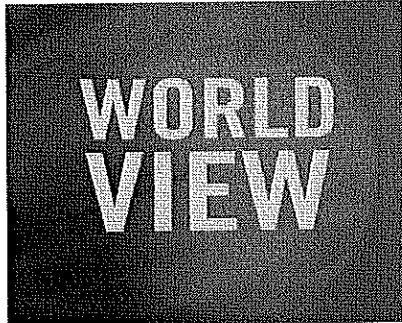


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## In The News

### ALEC Featured on NPR

Karla Jones | Director, International Relations and Federalism



Karla Jones, Director of the International Relations and Federalism Task Force at ALEC joined NPR's Worldview this week to discuss the possibility of a Convention of the States. Click below to find out more.

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## Social Media Spotlight



**ALEC @ALEC\_states**

#ICYMI: Karla Jones was on air with @WBEZWorldView yesterday to discuss #ALECideas Listen to the interview here.



**ALEC @ALEC\_states**

Read the latest #ALECideas from @TheDiscipulus via @thehill.  
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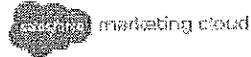
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Gmail - Ohio Media Clips, Monday, February 27



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## NEWS

[Kasich cleared to give State of the State speech in Sandusky \(Akron Beacon Journal, 2/27/2017\)](#)

[Ohio bill outlawing marital rape gets no GOP support, again \(Akron Beacon Journal, 2/27/2017\)](#)

[After bitter feud, Kasich and Trump try to mend fences \(Cincinnati Enquirer, 2/27/2017\)](#)

[Kasich budget assumes Cincinnati could raise more taxes \(Cincinnati Enquirer, 2/27/2017\)](#)

[Kasich to GOP: Full Obamacare repeal 'not acceptable' \(Cincinnati Enquirer, 2/27/2017\)](#)

**Portman denies keeping Democrats out of political event (Cincinnati Enquirer, 2/27/2017)**

**Gov. John Kasich and Rep. Jim Jordan duel on TV over Obamacare repeal (Cleveland Plain Dealer, 2/27/2017)**

**Gov. John Kasich talks with President Trump about reforming Obamacare (Cleveland Plain Dealer, 2/27/2017)**

**Ohio congress members seek investigation of Jewish community center bomb threats (Cleveland Plain Dealer, 2/27/2017)**

**Tom Gunlock, former state school board president, leaves board (Cleveland Plain Dealer, 2/27/2017)**

**Capitol Insider: Kasich can relate to Trump's kerfuffles (Columbus Dispatch, 2/27/2017)**

**Grass-roots foes of Trump, GOP make noise in Ohio (Columbus Dispatch, 2/27/2017)**

**Kasich says town hall protests might be getting through to Capitol Hill (Columbus Dispatch, 2/27/2017)**

**Kasich, GOP at odds over Medicaid coverage (Columbus Dispatch, 2/27/2017)**

**Ohio may pay counties to take inmates off its hands (Columbus Dispatch, 2/27/2017)**

**Trump has many believers in small-town Ohio (Columbus Dispatch, 2/27/2017)**

**Kasich fights for federal health care funds (Dayton Daily News, 2/27/2017)**

**Local governments told to 'open books' (Toledo Blade, 2/27/2017)**

**Ohio officers tasked with keeping race, gender data (Toledo Blade, 2/27/2017)**

## EDITORIALS

[A better death penalty for Ohio \(Akron Beacon Journal, 2/27/2017\)](#)

[Bickering over Gov. Kasich's traveling State of the State passes for political discourse in Ohio: Thomas Suddes \(Cleveland Plain Dealer, 2/27/2017\)](#)

[Keep defending Ohio Medicaid expansion, Gov. Kasich: editorial \(Cleveland Plain Dealer, 2/27/2017\)](#)

[Editorial: Victims seek more court leverage \(Columbus Dispatch, 2/27/2017\)](#)

[Governor got this right \(Toledo Blade, 2/27/2017\)](#)

[Right-to-work law still totally wrong for Ohio \(Youngstown Vindicator, 2/27/2017\)](#)

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## House Floor Report

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## HOUSE ACTIVITY REPORT

### INTRODUCED AND REFERRED

**HJR 2**

**CONSTITUTIONAL CONVENTION (Hagan, C.,  
Patmon, B.)**

Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress.

**HCR 5**

**HEALTH CARE (Sykes, E.)**

To urge the Congress of the United States, and in particular the Ohio Congressional delegation, to support the preservation of the Patient Protection and Affordable Care Act of 2010.

### INTRODUCED

**HB 99**

**PNEUMOCONIOSIS CLAIMS (Cera, J.)**

To modify workers' compensation benefit

amounts for occupational pneumoconiosis claims and to create the Occupational Pneumoconiosis Board to determine medical findings for such claims.

HB 100

**ROAD NAMING (Lipps, S.)**

To designate a portion of State Route 73 in Warren County as the "Officer Bill Johnson Memorial Highway."

HB 101

**EPINEPHRINE DISPENSING (Merrin, D.)**

To authorize an epinephrine autoinjector substitution when a prescription is filled or refilled, to authorize epinephrine to be dispensed without a prescription under a physician-established protocol, and to declare the act the "Epinephrine Accessibility Act."

**PASSED**

HB 1

**DATING PROTECTION ORDERS (Sykes, E., Manning, N.)**

To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.

91-0

HB 34

**PUBLIC NOTICES (Hambley, S., Ryan, S.)**

To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail.

92-0

**CALENDAR FOR COMING SESSION**

HB 5

**MICROBUSINESSES (Pelanda, D., Gavarone, T.)**

To create a statutory definition of "microbusiness."

Wednesday, March 1

**HB 26**

**TRANSPORTATION BUDGET (McColley, R.)**  
To make appropriations for programs related to transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.  
Wednesday, March 1

## REFERRED

### Aging & Long Term Care

**HB 78**

**ADULT PROTECTIVE SERVICES (Rutherford, W.)**  
To revise the laws governing the provision of adult protective services.

### Armed Services, Veterans Affairs & Homeland Security

**HB 75**

**PROFESSIONAL LICENSES (Gavarone, T., Merrin, D.)**  
To establish an expedited process to grant a professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state.

### Criminal Justice

**SB 25**

**PERRY COUNTY COURT (Hottinger, J.)**  
To create the Perry County Municipal Court in New Lexington on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

**HB 81**

**DEATH PENALTY (Seitz, B., Antonio, N.)**  
To provide that a person convicted of aggravated murder who shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced to

death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

## Economic Development, Commerce & Labor

**HB 77**

**CHILD CARE CENTERS (Rutherford, W.)**  
To provide for the licensure of sick-child care centers.

**HB 86**

**MINIMUM WAGE (Smith, K., Craig, H.)**  
To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.

## Education & Career Readiness

**HB 80**

**SUMMER FOOD PROGRAM (LaTourette, S., Smith, K.)**  
To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions.

## Federalism & Interstate Relations

**HB 79**

**FIREARMS TRAINING (Rutherford, W., Hagan, C.)**  
To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

**HB 85**

**HEALTH CARE COMPACT (Rutherford, W.)**  
To enter into the Health Care Compact.

## Government Accountability & Oversight

**HB 82**

**PROPERTY TAX FEES (Ryan, S.)**  
To adjust the fees allowed to county treasurers

for collecting property taxes.

**HB 87**

**COMMUNITY SCHOOLS (Roegner, K.)**

Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school.

**Health**

**HB 72**

**STEP THERAPY (Johnson, T., Antonio, N.)**

To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.

**HB 73**

**PHARMACY SALES (Rezabek, J., Koehler, K.)**

To prohibit sales of dextromethorphan without a prescription to persons under age 18.

**State & Local Government**

**HB 84**

**MONTH DESIGNATION (Arndt, S., Patton, T.)**

To designate June as "Ohio Goes Boating Month."

**Transportation & Public Safety**

**HB 71**

**LICENSE PLATE DISPLAY (DeVitis, T.)**

To specify that failure to display a license plate on the front of a motor vehicle that is required to display a front license plate is a secondary traffic offense and to establish a maximum fine of \$100 for such an offense.

**HB 76**

**LICENSE PLATES (Arndt, S., Gavarone, T.)**

To create the "Ohio National Guard Ohio Cross" license plate and the "Ottawa National Wildlife Refuge" license plate.

**HB 83**

**OPPORTUNITY CORRIDOR (Smith, K., Howse, S.)**

To designate the planned boulevard known as the Opportunity Corridor within Cleveland as the "Carl and Louis Stokes Opportunity Corridor."

**HB 88**

**LICENSE PLATE (Anielski, M.)**

To create the "Cuyahoga Valley Career Center" license plate.

**Ways & Means****HB 74**

**COLLEGE SAVINGS (Huffman, S., Gavarone, T.)**  
To increase the maximum income tax deduction for contributions to the state's 529 college savings program from \$2,000 to \$3,000 per beneficiary per year.

**HB 89**

**SALES TAX HOLIDAY (Patterson, J., Kelly, B.)**  
To provide for a three-day sales tax "holiday" in August 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

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## Sarah, Do You Think it's Time for Another Constitutional Convention?

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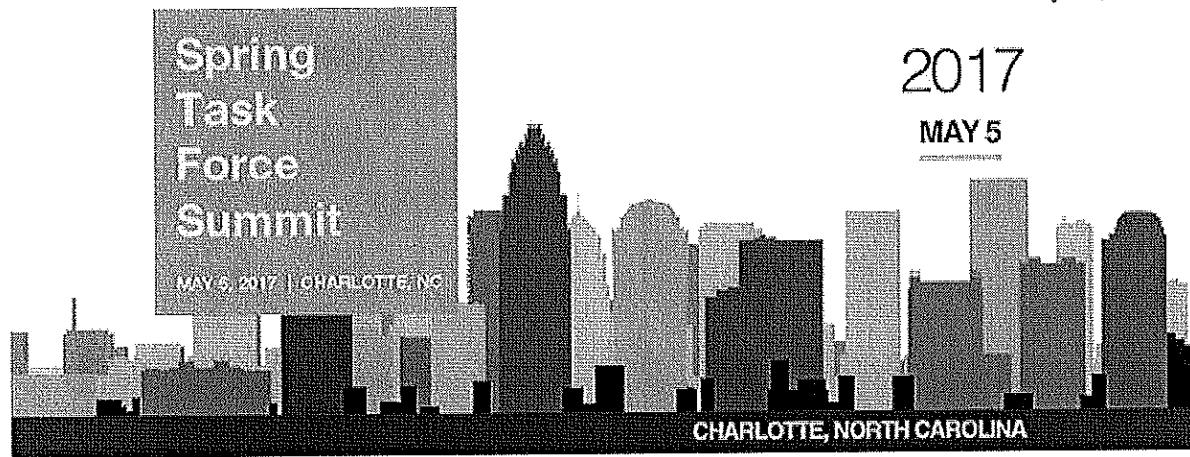


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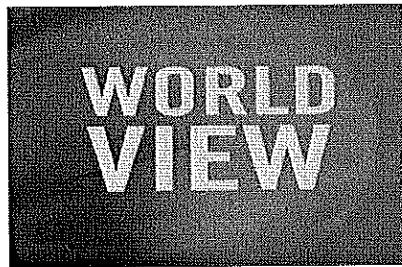


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### In The News

#### **It is Time For Another Constitutional Convention?**

Karla Jones Director



Karla Jones, Director of the International Relations and Federalism Task Force at ALEC joined NPR's Worldview this week to discuss the possibility of a Convention of the States. Click below to find out more.

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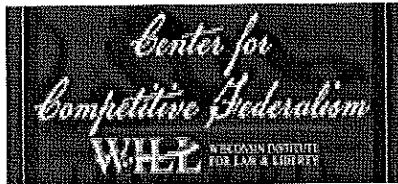


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## Expert Insight

### WILL Staff Testifies at Wisconsin Assemble Committee on Federalism

Wisconsin Institute For Law and Liberty



Earlier this year, the Wisconsin Institute for Law and Liberty (WILL) testified before the Wisconsin Assembly Committee on Federalism - to advance initiatives seeking to restore the balance of power between the federal government and the states. Click below to find out more.

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## Special Event

### Article V Issue Briefings in Arizona and Idaho



To counter some of the misconceptions about an Article V convention for proposing amendments, ALEC and NFIB are hosting issue briefings in select state capitols. This week, Phoenix and Boise will be the venues for discussions aimed to answer questions and allay "runaway convention" concerns.

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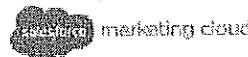
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OHIO REPORT

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# OHIO REPORT TUESDAY, FEBRUARY 28

**House Passes Dating Violence Bill As Senate Considers Making Protection Orders More Easily Enforceable**

**Agencies Balk At Some House Transportation Changes**

**Tax Commissioner Defends Budget Plan As Ways And Means Review Starts**

**ACLU Outlines 'Serious Doubts,' Others Support Bill To Increase Fentanyl Penalties**

**Opposition Persists After House Panel Adopts Civil Rights Sub Bill**

**Bill Adds Specification For Incapacity, Disfigurement**

**GOP Lawmaker Pushes Local Prevailing Wage Option**

**'Cashless' Lottery Sales Among Options Discussed As Revenue Boosters**

**State Single Audit Includes 21 Findings At Six Agencies**

**Governor's Appointment**

**Supplemental Agency Calendar**

**Supplemental Event Planner****Senate Committee Hearings****Insurance & Financial Institutions****Local Government, Public Safety & Veterans Affairs****Transportation, Commerce & Workforce****Finance****Health, Human Services & Medicaid****Judiciary****House Committee Hearings****Ways & Means****Finance: Higher Education Sub.****Criminal Justice****State & Local Government****Economic Development, Commerce & Labor****Finance: State Government & Agency Review Sub.****ACTIVITY REPORTS****House****Senate****CALENDARS****Day Planner**

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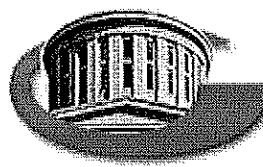
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## House Activity for Tuesday, February 28, 2017

### INTRODUCED AND REFERRED

**HJR CONSTITUTIONAL CONVENTION** (Hagan, C., Patmon, B.) Application to the Congress of the United States for a Convention of the States under Article V of the Constitution of the United States that is limited to proposing amendments that impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government, and limit the terms of office for its officials and Members of Congress.

### Federalism & Interstate Relations

**HCRHEALTH CARE** (Sykes, E.) To urge the Congress of the United States, and in particular the Ohio Congressional delegation, to support the preservation of the Patient Protection and Affordable Care Act of 2010.

### Insurance

### INTRODUCED

**HPNPNEUMOCONIOSIS CLAIMS** (Cera, J.) To modify workers' compensation benefit amounts for occupational pneumoconiosis claims and to create the Occupational Pneumoconiosis Board to determine medical findings for such claims. Am. 109.84, 126.30, 145.2915, 2307.84, 2307.91, 2307.97, 2317.02, 2913.48, 3121.899, 3701.741, 3963.10, 4115.03, 4121.03, 4121.12, 4121.121, 4121.125, 4121.127, 4121.129, 4121.13, 4121.30, 4121.31, 4121.32, 4121.34, 4121.36, 4121.41, 4121.44, 4121.441, 4121.442, 4121.444, 4121.45, 4121.50, 4121.61, 4123.025, 4123.05, 4123.15, 4123.26, 4123.27, 4123.291, 4123.30, 4123.311, 4123.32, 4123.324, 4123.34, 4123.341, 4123.342, 4123.343, 4123.35, 4123.351, 4123.353, 4123.402, 4123.441, 4123.442, 4123.444, 4123.46, 4123.47, 4123.51, 4123.511, 4123.512, 4123.522, 4123.53, 4123.54, 4123.542, 4123.57, 4123.571, 4123.65, 4123.651, 4123.66, 4123.67, 4123.68, 4123.69, 4123.74, 4123.741, 4123.85, 4123.89, 4123.93, 4123.931, 4125.03, 4125.04, 4131.01, 4729.80, 5145.163, and 5503.08 and to enact sections 4133.01 to 4133.16.

**HBROAD NAMING** (Lipps, S.) To designate a portion of State Route 73 in Warren County as the "Officer Bill Johnson Memorial Highway." En. 5534.93.

**HBEPINEPHRINE DISPENSING** (Merrin, D.) To authorize an epinephrine autoinjector substitution when a prescription is filled or refilled, to authorize epinephrine to be dispensed without a prescription under a physician-established protocol, and to declare the act the "Epinephrine Accessibility Act." Am. 4729.16, 4729.99, and 4731.96 and to enact sections 3707.60, 4729.382, 4729.46, and 4731.961.

### PASSED

**HB DATING PROTECTION ORDERS** (Sykes, E., Manning, N.) To authorize the issuance of dating violence protection orders with respect to conduct directed at a petitioner alleging dating violence, to provide access to domestic violence shelters for victims of dating violence, and to require the Attorney General's victim's bill of rights pamphlet to include a notice that a petitioner alleging dating violence has the right to petition for a civil protection order.

91-0

Gongwer Coverage

**HB PUBLIC NOTICES (Hambley, S., Ryan, S.)** To authorize certain state agencies, local governments, and 34 other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail.

92-0

Gongwer Coverage**CALENDAR FOR COMING SESSION**

**HB MICROBUSINESSES (Pelanda, D., Gavarone, T.)** To create a statutory definition of "microbusiness."

5

Wednesday, March 1

**HB TRANSPORTATION BUDGET (McColley, R.)** To make appropriations for programs related to 26 transportation and public safety for the biennium beginning July 1, 2017, and ending June 30, 2019, and to provide authorization and conditions for the operation of those programs.

Wednesday, March 1

Gongwer Coverage**REFERRED****Aging & Long Term Care:**

**HB 78 ADULT PROTECTIVE SERVICES (Rutherford, W.)** To revise the laws governing the provision of adult protective services.

**Armed Services, Veterans Affairs & Homeland Security:**

**HB PROFESSIONAL LICENSES (Gavarone, T., Merrin, D.)** To establish an expedited process to grant a 75 professional license to an individual who is on active duty as a member of the armed forces of the United States, or is the spouse of such an individual, and holds a valid license in another state.

**Criminal Justice:**

**SB PERRY COUNTY COURT (Hottinger, J.)** To create the Perry County Municipal Court in New Lexington 25 on January 1, 2018, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017 and to declare an emergency.

**HB DEATH PENALTY (Seitz, B., Antonio, N.)** To provide that a person convicted of aggravated murder who 81 shows that the person had a serious mental illness at the time of committing the offense cannot be sentenced

to death for the offense and to provide a mechanism for resentencing to a life sentence a person previously sentenced to death who proves that the person had a serious mental illness at the time of committing the offense.

### **Economic Development, Commerce & Labor:**

**HB CHILD CARE CENTERS** (Rutherford, W.) To provide for the licensure of sick-child care centers.  
**77**

**HB MINIMUM WAGE** (Smith, K., Craig, H.) To increase the state minimum wage to ten dollars and ten cents per hour beginning January 1, 2019.  
**86**

### **Education & Career Readiness:**

**HB SUMMER FOOD PROGRAM** (LaTourette, S., Smith, K.) To require school districts to allow approved summer food service program sponsors to use school facilities to provide food service for summer intervention services under certain conditions.  
**80**

### **Federalism & Interstate Relations:**

**HB FIREARMS TRAINING** (Rutherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.  
**79**

**HB HEALTH CARE COMPACT** (Rutherford, W.) To enter into the Health Care Compact.  
**85**

### **Government Accountability & Oversight:**

**HB PROPERTY TAX FEES** (Ryan, S.) To adjust the fees allowed to county treasurers for collecting property taxes.  
**82**

**HB COMMUNITY SCHOOLS** (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school.  
**87**

### **Health:**

**HB STEP THERAPY** (Johnson, T., Antonio, N.) To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid.  
**72**

**HB PHARMACY SALES** (Rezabek, J., Koehler, K.) To prohibit sales of dextromethorphan without a

73 ■ prescription to persons under age 18.

## **State & Local Government:**

**HB 84 ■ MONTH DESIGNATION** (Arndt, S., Patton, T.) To designate June as "Ohio Goes Boating Month."

## **Transportation & Public Safety:**

**HB LICENSE PLATE DISPLAY** (DeVitis, T.) To specify that failure to display a license plate on the front of a  
71 ■ motor vehicle that is required to display a front license plate is a secondary traffic offense and to establish a  
■ maximum fine of \$100 for such an offense.

**HB LICENSE PLATES** (Arndt, S., Gavarone, T.) To create the "Ohio National Guard Ohio Cross" license plate  
76 ■ and the "Ottawa National Wildlife Refuge" license plate.

**HB OPPORTUNITY CORRIDOR** (Smith, K., Howse, S.) To designate the planned boulevard known as the  
83 ■ Opportunity Corridor within Cleveland as the "Carl and Louis Stokes Opportunity Corridor."

**HB LICENSE PLATE** (Anielski, M.) To create the "Cuyahoga Valley Career Center" license plate.

88 ■

## **Ways & Means:**

**HB COLLEGE SAVINGS** (Huffman, S., Gavarone, T.) To increase the maximum income tax deduction for  
74 ■ contributions to the state's 529 college savings program from \$2,000 to \$3,000 per beneficiary per year.

**HB SALES TAX HOLIDAY** (Patterson, J., Kelly, B.) To provide for a three-day sales tax "holiday" in August  
89 ■ 2017 during which sales of clothing and school supplies are exempt from sales and use taxes.

### COMMITTEE HEARINGS

#### Ways & Means

(See separate story)

Finance: Higher Education Sub.

Donna Collins, executive director of the Ohio Arts Council, testified in support of the executive budget proposal, which would allocate about \$29.6 million over the biennium.

Ms. Collins said the council plays a key role in supporting local arts operations, with grants touching all 88 counties and all legislative districts.

Ms. Collins said that a Bowling Green State University study shows that Ohio's arts sector supports more than 230,000 jobs, contributes almost \$32 billion to the economy and generates almost \$3.4 billion in annual tax revenues at all levels of government.

She said the council has instituted a number of cost-savings efforts to streamline operations, and added that OAC staff has been reduced by more than half since Fiscal Year 2008.

Ms. Collins called the flat-funded budget a "modest" public investment in the arts, noting that OAC grants generate significant matching support. The council also serves to pass through National Endowment for the Arts grant funds.

The witness told Rep. Nickie Antonio (D-Lakewood) that all NEA grants are directed to local arts projects. Ms. Collins also noted that federal funding has been stable over the last few fiscal years, but added that cuts would be devastating for local art organizations.

Rep. Mike Duffey (R-Worthington) observed that the proposed funding level matches the allocation the agency received in 2000-01, saying it would be in line for \$45 million if support had been adjusted for inflation.

He asked how the state's "landmark" arts-related groups are doing financially.

Ms. Collins said the quality of those groups has never declined, although she said several have had to dip into their endowments and investments in the recent past.

Ms. Collins said there seems to be a sense of excitement when OAC delivers funds to local arts groups.

Ross McGregor, a former House member who now serves as a board member of the Ohio Citizens for the Arts, spoke to the value of the OAC.

He said the organization, however, would like to see the agency's funding boosted by \$4 million. That increase would help move the agency closer to where it was funded at the beginning of the century.

Mr. McGregor said the arts play a key role in economic development and job creation, and said students who are involved in the arts regularly outperform non-arts students in a number of key academic programs.

Rep. Duffey told the witness there is a sense among some lawmakers that the arts should be privately funded, despite the state's long-standing role as a supporter.

Mr. McGregor said he understands the argument, but said there could be major problems if state support would disappear. "Arts and culture in Ohio will crash and burn in an epic way" without reasonable public funding, he said. "The arts that we enjoy in Ohio cannot survive" unless adequate support is available.

#### Criminal Justice

**HBPRISON TERMS** (Hughes, J.) To require an additional prison term for felonious assault of 5, 6, 7, 8, 9, 10, 63 11, 12, 13, 14, 15, 16, 17, 18, 19, or 20 years if the offender also is convicted of a specification that charges that the harm caused by the violation resulted in a permanent, serious disfigurement or substantial incapacity or that the offender used an accelerant in committing the violation and to name the act's provisions "Judy's Law." (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

**HBVOYEURISM** (Anielski, M.) To include an impaired person as a potential victim of voyeurism, to include 68 conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance, and to prohibit an owner, operator, administrator, or employee of a care facility from creating, sharing, reproducing, or publishing any image of a care facility resident without a proper purpose and without prior written consent from the resident. (**CONTINUED; 1st Hearing-Sponsor**)

The legislation, identical to a bill (HB439 131st General Assembly) that stalled in the last legislative session, changes the law to include an impaired person as a victim of voyeurism, sponsoring Rep. Marlene Anielski (R-Walton Hills) told members of the panel.

"Impaired person means a person whose ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age. The offender must know or have reasonable cause to believe that the other person's ability to resist or consent is substantially impaired because of a mental or physical condition or because of advanced age," she said.

**Subscribers Note:** Full testimony is available on the [committee's website](#) under Feb.28.

#### State & Local Government

**HB GOVERNMENT CONTRACTING (Cupp, R.)** To abolish the Government Contracting Advisory Council. ([REPORTED-AMENDED](#); 5th Hearing-All testimony-Possible amendments & vote)

The committee reported the bill after adopting an amendment that revives the RECLAIM Advisory Committee and abolishes nine defunct entities missed during last year's Sunset Review process.

The entities that would be abolished, Vice Chair [Rep. Steve Hambley](#) (R-Brunswick) said, are the:

- Adult Protective Services Funding Workgroup;
- Children Services Funding Workgroup;
- Energy Mandates Study Committee;
- Health Services Price Disclosure Study Committee;
- Maritime Port Funding Study Committee;
- Medicaid Payment Rates for Dental Service Workgroup;
- Nursing Facility Behavioral Health Advisory Workgroup;
- Workforce Integration Task Force;
- Workgroup to Help Individuals to Cease Relying on Public Assistance.

Rep. Hambley said the entities have not functioned in two or three years.

Democrats supported the amendment but voiced concern that they didn't receive the list before the meeting.

"When the committee notice was sent out, there was no mention of the nine entities" slated for sunsetting, [Rep. Mike Ashford](#) (D-Toledo) said.

Keith Lake, vice president of government affairs for the Ohio Chamber of Commerce, wrote in support of the bill, saying it would eliminate the Government Contracting Advisory Council, of which the Chamber is a member.

The council, created in 2005, was charged with reviewing and making recommendations for rules regarding accountability requirements for certain contracts between government and private entities. Those requirements are now integrated in contracting in Ohio.

"In light of these facts, the Ohio Chamber believes the Government Contracting Advisory Council has completed its assigned task and no longer serves a necessary or useful purpose," he wrote.

**HB SNOW REMOVAL (Arndt, S., Gayarone, T.)** To authorize certain townships to require the removal of snow and ice from sidewalks abutting property. ([CONTINUED](#); 3rd Hearing-All testimony)

Heidi Fought, the director of government affairs for the Ohio Township Association, said the bill would give townships the same authority to require snow removal that municipalities employ.

Only townships that have had an average of five or more inches of snow during per year over the past 10 years would be allowed to adopt a resolution requiring snow removal.

Ms. Fought said the bill is permissive and would not require townships to pass a resolution.

Rep. Rick Carfagna (R-Genoa Twp.) asked if townships would be able to establish carveouts or exemptions, such as in the case of elderly residents.

"It is very flexible. It gives those townships the ability to write their policy that clearly addresses the needs of their residents," Ms. Fought said.

**HB STATE SPENDING** (Dever, J., Greenspan, D.) To require the Treasurer of State to establish the Ohio State **40** Government Expenditure Database. (**CONTINUED**; 3rd Hearing-All testimony)

Greg Lawson, senior policy analyst for the Buckeye Institute, testified in support of the bill, saying it would make the government more accountable to citizens.

"We have long argued that showing Ohio taxpayers how their elected officials spend their hard-earned tax dollars will help citizens better understand what their government does," he said. "And with that better understanding, citizens will ask better questions, encourage more effective change, and demand greater fiscal accountability. Over time, a more informed citizenry leads to better, more efficient, and responsive government-a goal on which everyone here can agree."

Codifying Treasurer Josh Mandel's OhioCheckbook would protect the program from future political maneuvers, he said.

"The Buckeye Institute applauds the cooperative relationship forged between Mr. Mandel's office and many of Ohio's local governments," he said. "Hundreds of local governments already have displayed their own 'checkbooks' online at Ohio Checkbook. But this effort is just the beginning. True transparency won't be achieved until every governmental unit has made its account books fully available online for you, me, and every Ohioan to inspect."

Rep. Rick Perales (R-Beavercreek) asked about the separate budget website run by the Office of Budget and Management.

"Can we afford to have two systems like that run by two agencies?" he asked.

Mr. Lawson said the state shouldn't waste money, but the two systems are different, and more transparency is better.

**HB AGENCY REVIEWS** (Faber, K.) To require standing committees of the General Assembly to establish a **51** schedule for the periodic review and sunset of state departments that are currently in the Governor's cabinet, and to require that Auditor of State performance audits be scheduled to coincide with the periodic review. (**CONTINUED**; 3rd Hearing-Opponent)

Two representatives of labor unions submitted written testimony in opposition to the bill.

Becky Williams, president of SEIU 1199, said the union was opposed to the bill because she said it could have consequences for state employees and the services Ohioans rely on.

"The threat of expiration and elimination of not only state departments, but potentially thousands of living wage jobs, does not bode well for the workers who have the experience and skills necessary to execute their duties in

an efficient manner," she wrote. "This threat also puts incredible stress on workers' families who depend on a stable income."

Adam McKenzie, research analyst for the Ohio Civil Service Employees Association, wrote that Ohio already has effective sunset laws, and that the proposal would only serve as a destabilizing force in state government.

"Reviews of states' sunset processes show that House Bill 51 would take Ohio into uncharted waters," he wrote. "While plenty of other states employ a sunset process for boards, commissions, legislation - and a handful even review cabinet-level agencies - House Bill 51 would put Ohio far afield in terms of the frequency of reviews, the lack of a dedicated review apparatus, the complexity of the renewal process, and lack of executive representation in the process."

**HBREVENUE OBLIGATIONS** (Blessing, L., Gavarone, T.) To authorize the Treasurer of State to issue **54** revenue obligations of the state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. (**CONTINUED**; 2nd Hearing-All testimony)

Deputy Treasurer Seth Metcalf said the bond bank would allow local governments to secure bonds from the bank.

"The bill generally requires the Treasurer to create groups for pooled issuances so that similarly rated entities are grouped together," he said. "The Treasurer's office will handle the issuance of the bonds, including the preparation of the necessary legal disclosures and the marketing. After the sale is complete, the bond bank then loans the money to the local governments included in those bond proceedings."

Mr. Metcalf said the program is optional for local governments, and that they can request a loan for a project that is considered a permanent improvement.

"The bond bank can potentially provide significant cost savings to local government issuers through reduced interest rates and reduced costs of issuance through economies of scale," he said.

**HB DAY DESIGNATION** (Leland, D., West, T.) To designate October 7 as "Moses Fleetwood Walker Day." **59** (**CONTINUED (No testimony)**; 2nd Hearing-All testimony)

**HBSANITARIAN REVIEWS** (Hill, B.) To require the Director of Agriculture and the Director of Health to **65** adopt rules governing reviews of registered sanitarians and sanitarians-in-training who conduct inspections of retail food establishments and food service operations. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor Rep. Brian Hill (R-Zanesville) said the bill, a reintroduction of legislation from the last session (HB551, 131<sup>st</sup> General Assembly) would change how health inspectors at local health departments are evaluated.

"There have been changes to the way the state is currently conducting the evaluations that have been overzealous and have caused confusion among regulators and operators alike," he said. "HB65 is designed to promote collaborative efforts between the state, local health department inspectors and operators while prioritizing food safety for Ohioans."

The bill would place to focus of inspections on critical violations that cause foodborne illness, he said.

"Under HB65, health inspectors will continue to enforce the entire food code, but they will be allowed to use common sense and conduct risk-based inspections that focus on critical violations," he said. "Doing so will allow them to better protect Ohioans from getting sick as a result of the food they eat."

**Subscribers Note:** Full testimony is available on the committee's website under Feb. 28.

Economic Development, Commerce & Labor

**HB CIVIL RIGHTS LAWS (Seitz, B.)** To modify Ohio civil rights laws related to employment.

**2 (CONTINUED-SUBSTITUTE (See separate story); 3rd Hearing-All testimony-Possible amendments)**

**HB UNSAFE TIRES (Sprague, R., DeVitis, T.)** To prohibit the installation of unsafe used tires on certain **42** motor vehicles. **(CONTINUED; 2nd Hearing-Proponent)**

Committee members spent more than an hour questioning proponents on the bill as they sought to determine whether it would give sellers of new tires a leg up on competitors who sell used tires.

Rep. Anthony DeVitis (R-Green), the bill's joint sponsor, ultimately denied that, saying the bill is no different from regulations in any other industry to protect consumer safety.

"I'm not a big regulatory type of guy," he said, "but this really is a protection bill. It's about consumer safety."

Rubber Manufacturers Association Director of Government Relations Courtney Titus Brooks called the measure a "common sense regulation of used tires."

"HB 42 seeks to weed out those tires that every tire professional can and should know poses an unreasonable risk to motorist safety," she said. "Simply put, if you're in the business of selling tires, you should know not to sell tires that match the conditions listed in this legislation."

Rep. Alicia Reece (D-Cincinnati) asked whether the group had received feedback from smaller tire retailers or used tire sellers. Ms. Brooks replied that a pair of small resellers who attended last week's interested parties meeting was on board with the bill's language.

Chairman Rep. Ron Young (R-Leroy) added that used tire sellers have given positive feedback so far, based on that recent meeting.

Rep. Ron Hood (R-Ashville) said it "looks more like the purpose (of the bill) is to boost new tire sales. Why can't we call a spade a spade?"

RMA Senior Vice President Dan Zielinski denied that, saying that low income consumers looking to purchase used tires aren't necessarily going to purchase new tires if those used ones are removed from the market.

"I can say with 100% certainty as an initiative of this industry this was not in any way geared to promote new tire sales," he said.

Rep. Al Landis (R-Dover) likened the bill to regulations preventing the sale of unsafe automobiles.

Ohio Tire and Automotive Association Legislative Director Alex Boehnke said the bill "puts forth sensible measures that will prohibit the sale of unsafe used tires while protecting both consumers and businesses alike."

He said the OTAA has many members that are sellers of used tires and said the group worked with sponsors to ensure the bill won't negatively impact that segment of the industry and alleviate initial concerns. He added that the bill is aimed at sellers who are knowingly selling faulty tires.

Responding to Rep. Landis, Mr. Boehnke said wholesalers would weed out many of these faulty tires before they reach retailers.

Cooper Tires and Rubber Company Director of Global Quality Jeff Schroeder also voiced his support, saying, "Passage of this legislation will limit the number of unsafe used tires placed into service and we believe will contribute to fewer incidents of tire failures that may result in injuries or worse."

Submitting written testimony in support were Property Casualty Insurers, the Ohio Conference of AAA Clubs, the Ohio Chamber of Commerce, the Ohio Trucking Association, Continental Tire, and the Ohio Manufacturers' Association.